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TITLE 3—THE PRESIDENT

PROCLAMATION 2718

"I AM AN AMERICAN DAY", 1947

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS the rise of the United States of America to a place of eminence among nations in less than two centuries has been greatly enhanced by the migration to its shores of pioneering, freedom-loving peoples; and

WHEREAS the political life-blood of the Nation is annually renewed by the coming of voting age of more than two million native-born young men and women; and

WHEREAS the combined talents, skills, service, and loyalty of these mingled native-born and foreign-born peoples have brought us victoriously through the greatest of all wars; and

WHEREAS in the teamwork of democracy the requisites for good citizenship are not place of birth or race or religious belief; but character, education, cooperation, and loyalty; and

WHEREAS the stupendous task of all men in this new age is to strive to remove from the world the age-old curse of warfare, and to advance the cause of freedom and brotherhood:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the Congress in Public Resolution 67, approved May 3, 1940, do hereby designate Sunday, May 18, 1947, as "I Am an American Day," and do set aside that day as a public occasion for the honoring of American citizenship by giving special recognition to those who have become naturalized as citizens during the past year and to the young people who have during the year assumed full responsibilities of citizenship by coming of age.

And I urge Federal, State, and local officials and patriotic, civic, and educational organizations to plan and hold, on or about May 18, exercises designed to help our citizens better to understand their privileges and responsibilities as participants in our representative democracy, to the end that world peace and domestic felicity may be attained and perpetuated.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 1st day of March in the year of our Lord nineteen hundred and forty-
[SEAL] seven, and of the Independence of the United States of America the one hundred and seventy-first.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-2051; Filed, Mar. 3, 1947;
12:08 p. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of Secretary of Agriculture

PART 7—PRICE DECONTROL AND RECONTROL

CERTIFICATION OF AGRICULTURAL COMMODITIES NO LONGER IN SHORT SUPPLY

Pursuant to the authority vested in me by the Emergency Price Control Act of 1942, as amended, and particularly by section 1A (e) (1) of said act as added by the Price Control Extension Act of 1946, I hereby certify to the Temporary Controls Administrator that modifications in the certification of commodities in short supply (§ 7.50 *Certification of agricultural commodities in short supply*), made on September 1, 1946, as amended (11 F. R. 9669, 11349, 13135, 14063, 12 F. R. 60, 12 F. R. 825), should be and the same hereby are, made as follows:

The following commodities are determined to be no longer in short supply:

Skim milk including all food or feed products thereof.
Gum turpentine.
Fresh and frozen fish of the following species: Maine sardines, tuna, yellow-tail, bonito, other tuna-like fish, and pilchards.

(Pub. Law 548, 79th Cong.)

Done this 27th day of February 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-1988; Filed, Mar. 4, 1947;
8:57 a. m.]

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TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 306—CLAIMS AGAINST THE UNITED STATES

CLAIMS COGNIZABLE UNDER FEDERAL TORT CLAIMS ACT

A new section is added to Part 306 to read as follows:

§ 306.29 *Claims cognizable under the Federal Tort Claims Act for damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of military personnel or civilian employees of the War Department or of the Army*

while acting within the scope of their office or employment—(a) *Scope.* Subject to exclusions set forth in paragraph (c) of this section, the act and this section provide the exclusive authorization and procedure whereby the Secretary of War, or his designee, may consider, ascertain, adjust, determine and settle claims for \$1,000 or less, accruing on or after January 1, 1945, on account of damage to or loss of property, or on account of personal injury or death, caused in the United States or its territorial possessions by the negligent or wrongful act or omission of military personnel or civilian employees of the War Department or of the Army while acting within the scope of their employment.

(1) Nothing contained in the act or the regulations set forth in this section, abridges the existing legal authority of the Secretary of War to consider, ascertain, adjust, determine, settle, or pay any claim on account of damage to or loss of property or on account of personal injury or death, in cases where such damage, loss, injury, or death was not caused by any negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, or any other claim not cognizable under the act and this section.

(2) The provisions of the act do not apply to:

(i) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid; or based upon the exercise or performance, or the failure to exercise or perform, a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(ii) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(iii) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(iv) Any claim for which a remedy is provided by the act of March 9, 1920 (46 U. S. C. 741-752, inclusive) or the act of March 3, 1925 (46 U. S. C. 781-790, inclusive), relating to claims or suits in admiralty against the United States.

(v) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of the Trading with the Enemy Act, as amended.

(vi) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

(vii) Any claim arising from injury to vessels, or to the cargo, crew, or passengers of vessels, while passing through the locks of the Panama Canal or while in Canal Zone waters.

(viii) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(ix) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(x) Any claim arising out of the combatant activities of the military forces during the time of war.

(xi) Any claim arising in a foreign country.

(xii) Any claim arising from the activities of the Tennessee Valley Authority.

(b) *Claims in excess of \$1,000.* The War Department does not have legal authorization to consider administratively claims in excess of \$1,000 which are otherwise cognizable under the act. The claimant's remedy, if any, in such cases is by suit in the United States District Court for the district wherein the claimant is resident or wherein the act or omission complained of occurred, including the United States District Courts for the Territories and possessions of the United States.

(c) *Acts or omissions.*—(1) *Military personnel and civilian employees.* Military personnel and civilian employees whose acts or omissions may give rise to claims within the scope of the act and the regulations set forth in this section, include members of the military forces of the United States and persons acting on behalf of the War Department in an official capacity, temporarily or permanently in the service of the United States whether with or without compensation.

(2) *Scope of employment.* Acts or omissions of military personnel and civilian employees may give rise to claims payable under the provisions of the regulations set forth in this section, only if such acts or omissions occur while such military personnel or civilian employees are acting within the scope of their employment. Activities of military personnel and civilian employees in the course of which such acts or omissions may occur are ordinarily within the scope of employment if the performance thereof is directed, or if of a kind the performance of which is expressly or impliedly authorized, or if the purpose is, at least in part, to serve the Government.

(3) *Proximate cause.* Claims against the War Department for \$1,000 or less, on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of military personnel or civilian employees while acting within the scope of their employment, are payable according to this section only where the circumstances are such that the United States, if a private person, would be liable to the claimant under the law of negligence of the place where the act or omission occurred. Acts or omissions involving a lack of reasonable care will be the basis of claims payable under the local law of most jurisdictions. If the proximate cause of the accident or incident is the act or omission of persons other than military personnel or civilian employees, as defined in subparagraph (1) of this paragraph, the claim will not be payable, as a general rule, under local law. If the proximate cause of the accident or incident is the joint or concurrent tortious act or omission of military

personnel or civilian employees and of one or more persons other than the claimant, his agent, or employee, the claim will be considered, and determined necessarily, under the local law pertaining to joint tort-feasors. Acts or omissions constituting a mere condition without the existence of which the accident or incident could not have occurred, and which are not the proximate cause thereof, will not constitute a proper basis for finding of liability under the applicable local law as a general rule. For example, the mere violation of certain statutory laws or ordinances providing standards of safety may be declared to be negligence (per se), but such violations will not constitute the basis of liability under local laws generally unless the unlawful acts or omissions are deemed a proximate cause of the accident or incident in that jurisdiction.

(d) *Contributory negligence.* The law of the place where the act or omission occurred will be followed in determining whether contributory negligence is present under the facts of the accident or incident, and also in ascertaining the effect of contributory negligence as a bar to the claim under consideration. Contributory negligence will constitute an absolute bar to a claim under applicable local law in practically all jurisdictions. The doctrine of comparative negligence is recognized in few places.

(e) *Claims of subrogees.* (1) Settlement of claims not exceeding \$1,000 will be made solely with the insured rather than with the insurer or with both the insured and insurer, in cases of damage, loss, destruction, injury, or death, covered by insurance. No inquiry will be made into the relative interests between insured and insurer. The entire claim, including any portion thereof insured against, will be filed by or on behalf of the insured and payment of the entire amount approved will be made in the name of and to the insured. Evidence of authority to file a claim on behalf of the insured may be established by a power of attorney, insurance policy provisions, or other satisfactory documentary evidence.

(2) The principles set forth in subparagraph (1) of this paragraph, with respect to subrogation arising from insurance contracts, are applicable to all cases of subrogation.

(3) Although a claim filed in the name of a subrogee may not be considered by the War Department under this section pertaining to the settlement of claims for \$1,000 or less, the substantive rights of the subrogee will be determined when properly presented in accordance with the law of the place where the negligent or wrongful act or omission of the Government employee, while acting within the scope of his office or employment, occurred.

(f) *Statute of limitations.* (1) Claims for \$1,000 or less, against the United States, cognizable under the act and the regulations set forth in this section, must be presented in writing to the War Department within 1 year after such claim accrued or within 1 year after August 2, 1946, the date of enactment of the act, whichever is later.

(2) A suit may be filed pursuant to the act if brought within 1 year after such claim accrued or within 1 year after the date of enactment of this act, whichever is later. In the event that a claim for a sum not exceeding \$1,000 is presented to the War Department, the time to institute a suit under the act shall be extended for a period of 6 months from the date of mailing of notice to the claimant by the War Department with respect to the final disposition of the claim, or for a period of 6 months from the date of withdrawal of the claim from the War Department.

(g) *Acceptance of award.* (1) The acceptance by the claimant of any award, compromise, or settlement made pursuant to the act and this section shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the United States and against the employees of the War Department whose act or omission gave rise to the claim.

(2) An acceptance agreement and general release will be required of and signed by the claimant, or claimants, as a condition precedent to payment under the act and this section in all cases except where the claim is for property damage only, and is approved in the amount claimed, and the report of claims officer shows affirmatively that no persons were injured or killed in the accident or incident giving rise to the claim for property damage.

(h) *Attorneys' fees.* (1) The Secretary of War or his designee, making an award pursuant to the act and this section, may, as a part of the award, determine and allow reasonable attorneys' fees, which, if the amount awarded is \$500 or more, shall not exceed 10 per centum of the sum approved, and shall be paid to the attorney representing the claimant, out of, but not in addition to, the amount of the award. The limitation of 10 per centum will not apply when the award is less than \$500.

(2) Attorneys' fees may be fixed under subparagraph (1) of this paragraph, only on written request of either the claimant or his attorney.

(i) *Injury or death of military personnel or civilian employees.* (1) Claims on account of personal injury or death of military personnel of the War Department incurred in line of duty will not be considered administratively under the provisions of this section.

(2) Claims on account of personal injury or death of civilian employees of the War Department, to whom the Federal Employees' Compensation Act of September 7, 1916 (39 Stat. 742; 5 U. S. C. 751), as amended, is applicable, will not be considered administratively under the provisions of this section.

(3) Claims for medical, hospital and burial expenses, on account of injury or death of military personnel or civilian employees of the War Department or of the Army, will be first considered under the provisions of §§ 707.1-707.9 of Chapter VII and AR 40-505 (Medical Attendance—General Provisions), §§ 707.40-707.46 and AR 40-510 (Dental Attendance), or §§ 306.50-306.53 and AR 30-

1830 (Burial Expenses); claims of civilian employees not within the provisions of AR 40-505, 40-510, or 30-1830, may be within the jurisdiction of the United States Employees' Compensation Commission under the provisions of the act of September 7, 1916 (39 Stat. 742; 5 U. S. C. 751), as amended (§ 306.17 (b) and AR 25-25).

(j) *Approval or disapproval of claims.* Subject to appeal to the Secretary of War, claims under the provisions of this section may be approved or disapproved, in whole or in part, by the Chief, Claims and Litigation Group, Office of The Judge Advocate General, Washington 25, D. C. (See Subtitle A, Part 2, §§ 2.101 to 2.106, inclusive, 11 F. R. 177A-780.)

(k) *Appeal.* (1) Upon disapproval of a claim in whole or in part by the approving authority, the claimant will be notified in writing of the action taken and the reason therefor; and he will in such notice be advised of his right to appeal, stating in such appeal the grounds relied on, to the Secretary of War, through the authority disapproving the claim, within 30 days after the receipt by the claimant of such notification. An appeal will be considered as having been taken seasonably if mailed or delivered within 30 days after the receipt by the claimant of such notification. No notice of the right to appeal is necessary if the full amount claimed is approved for payment.

(2) The action of the approving authority in approving or disapproving a claim in whole or in part will be final and conclusive for all administrative purposes unless the claimant appeals in writing to the Secretary of War as herein provided.

(l) *Conditions of payment.* Prior to payment by the War Department of any claim within the provisions of the act and this section, each of the following conditions must be fulfilled:

(1) The amount of the damage, loss, or destruction, or the amount payable on account of personal injury or death, must be determined in accordance with the law of the place where the negligent act or omission occurred.

(2) The payment must not exceed \$1,000.

(3) Claims by subrogees will not be recognized except as an element of the subrogor's claim.

(4) The claim must be presented within 1 year after the occurrence of the accident or incident out of which the claim arises or within 1 year after August 2, 1946, the date of enactment of the act, whichever is later.

(5) Negligence or wrongful act of the claimant, constituting a proximate cause, bars a claim in most jurisdictions. However, the effect of contributory negligence on the part of the claimant as a bar to his claim must be determined in each instance in accordance with the law of the place where the act or omission occurred.

(6) The claim must be approved as provided in paragraph (j) of this section, or, on appeal, by the Secretary of War.

(7) The claimant must accept, in writing, in full satisfaction and final settlement:

(i) The amount approved for personal injury or wrongful death, even though equal to amount claimed.

(ii) The amount approved for property damage or loss if less than the amount claimed.

(iii) The amount approved for property damage or loss equal to amount claimed when personal injury or death resulted also from the accident or incident giving rise to the claim for property damage, even though no claim is filed on account of the personal injury or death.

(8) Claims payable under the provisions of Article of War 105 (see § 306.25 and AR 25-80) are not payable under the provisions of this section.

(9) Claims payable under the provisions of AR 25-25 (see §§ 306.12 to 306.21) are not payable under the provisions of this section.

(10) Foreign claims payable under the provisions of AR 25-90 (see § 306.26) are not payable under the provisions of this section.

(11) Personnel claims payable under the provisions of AR 25-100 (see § 306.27) are not payable under the provisions of this section.

(12) Claims for personal injury or death of military personnel or civilian employees incident to their service are not payable under the provisions of this section.

(m) *Superseded provisions.* With respect to claims for \$1,000 or less, and otherwise cognizable under the act and this section, the Federal Tort Claims Act (Pub. Law 601, 79th Cong.) repeals all provisions of law, and this section supersedes other regulations, authorizing the War Department to consider, ascertain, adjust, determine, settle, or pay such claims on account of damage to or loss of property, or on account of personal injury or death, caused by the negligent or wrongful act or omission of any military personnel or civilian employee of the War Department while acting within the scope of his office or employment. The act and this section provide the exclusive procedure whereby these claims for \$1,000 or less, predicated on negligence, may be processed. See paragraph (a) of this section. [AR 25-70, Jan. 1, 1947] (Title IV, Pub. Law 601, 79th Cong.)

[SEAL]

EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-2004; Filed, Mar. 4, 1947; 8:57 a. m.]

Chapter VII—Personnel

PART 701—RECRUITING AND INDUCTION FOR THE ARMY OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Rescind paragraphs (k) and (l) of § 701.30 and substitute the following therefor:

§ 701.30 *Enlistments and reenlistments in the Regular Army pursuant to the act of June 1, 1945, as amended by the Armed Forces Voluntary Recruitment Act of 1945.* * * *

(k) *Grades in which enlisted; former enlisted men and individuals with no prior service.* Applicants for enlistment or reenlistment in the Regular Army will be enlisted in the grades specified in this paragraph:

(1) Provided enlistment is accomplished on or after January 1, 1947.

(i) Individuals honorably discharged from the Army of the United States (including Regular Army) may enlist in the Regular Army in the grade held at time of discharge, permanent or temporary, whichever is higher, provided they enlist for a 3-year period within 20 days from the date of last discharge.

(ii) Individuals who have had satisfactory active service in the Army of at least 6 months, and who enlist within 20 days after the date of discharge from active service, if not eligible to enlist in a higher grade under the provisions of subdivision (i) of this subparagraph will be enlisted in grade six (private first class).

(2) Certain former enlisted men who have not enlisted in the Regular Army, and who are not eligible to enlist therein in a grade higher than the seventh grade under the provisions of subparagraph (1) of this paragraph, may be enlisted in grades commensurate with their prior training and experience.

(3) All other applicants, except as authorized in paragraph (1) of this section will be enlisted in grade seven (private).

(l) *Grades in which enlisted; former officers, warrant officers, and flight officers.* (1) An applicant for enlistment whose last period of active service in the Army was in the status of commissioned officer, warrant officer, or flight officer, whose release from such status was under honorable conditions and who enlists for a 3-year period within 20 days from date of release from active service (date of release from active service is, for this purpose, the last day of terminal leave granted) will be enlisted in grade one except as follows:

(i) On and after July 1, 1947 an applicant for enlistment whose last period of active service was in the status of a commissioned officer, warrant officer, or flight officer, if enlistment for assignment to Army Air Forces is desired, will be enlisted in grades to be prescribed by the Commanding General, Army Air Forces.

(ii) On and after July 1, 1947, in addition to the exception cited in subdivision (i) of this subparagraph, an applicant for enlistment whose last period of service in the Army was in the status of a commissioned officer, whose basic Arm at time of separation was Air Corps; flight officer; or warrant officer of classification number 8 (MOS 4902—Technical Supply Officer, Air), 12 (MOS 8219—Weather Officer), 13 (MOS 8502—Aerial Photographic Officer), 15 (MOS 4823—Aircraft Engineering Officer), 16 (MOS 4822—Armament and Chemical Officer, Aviation), 17 (MOS 4825—Bombsight Maintenance Officer), or 28 (MOS 0200—Communications Officer, Air Corps), if enlistment for assignment other than Army Air Forces is desired will be enlisted in a grade to be prescribed by the appropriate army commander or chief of the administrative

or technical service concerned. (This paragraph does not apply to commissioned officers of other arms and services or warrant officers, of any classification other than those listed in this subparagraph on duty with Army Air Forces.)

(2) An applicant for enlistment whose last period of active service in the Army was in the status of commissioned officer, warrant officer, or flight officer, whose release from such status was under honorable conditions, and who is not eligible to enlist in the Regular Army under the provisions of subparagraph (1) of this paragraph may be enlisted in grades commensurate with his prior training and experience.

(3) The provisions of this paragraph and the fact that no further change in this policy is contemplated will be brought immediately to the attention of all officers, warrant officers, and flight officers on active duty, except Regular Army officers.

[WD Cir. 31, Feb. 4, 1947] (41 Stat. 765, Pub. Law 72, 79th Cong., as amended by Pub. Law 190, 79th Cong.; 10 U. S. C. 42)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-2006; Filed, Mar. 4, 1947; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-4]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

SCHEDULED AIR CARRIER APPROACH AND LANDING LIMITATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of February 1947.

Recent airline accident experience indicates that § 41.432 is inadequate to prevent low approaches under marginal weather conditions because this section is effective only when the Weather Bureau reports a "measured ceiling." When weather conditions are critical, ceilings reported as "measured" are only a small percentage of the total. The problem of instrument approach procedures and weather minimums as correlated with existing air navigation facilities is now being given joint study by the air carriers, the Administrator, and the Board; and it is anticipated that within the next few months such procedures and minimums may be modified to the extent that further change of § 41.432 may be desirable. In the meantime, immediate changes are required in order to provide for safer operations.

The Board finds that the public interest requires a revision of § 41.432 of the Civil Air Regulations, that such revision should be made effective immediately, and that compliance with paragraphs (a) and (b) of section 4 of the Administrative Procedure Act is impracticable.

Now, therefore, effective February 21, 1947, § 41.432 of the Civil Air Regulations is amended to read as follows:

§ 41.432 *Approach and landing limitations.* No instrument approach procedure shall be executed or landing made at an airport when the latest U. S. Weather Bureau weather report for that airport indicates the ceiling or visibility to be less than that prescribed by the Administrator for landing at such airport. (52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2003; Filed, March 4, 1947; 8:57 a. m.]

[Regs., Serial No. 386]

PART 224—TARIFFS

FILING, POSTING AND PUBLISHING OF TARIFFS BY AIR CARRIERS AND FOREIGN AIR CARRIERS

Amendment No. 4 of § 224.1 of the Economic Regulations.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of February 1947.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 205 (a) thereof, and for the purpose of implementing section 403 (a) thereof; and finding that notice and public procedure are unnecessary because the general public is not affected and only minor and technical amendment of a regulation is involved; and finding that such amendment is required in order to insure performance of obligations assumed by the United States in treaties, conventions, and agreements with other countries, and that this fact constitutes good cause for making such amendment effective without delay; hereby makes and promulgates the following regulation:

Effective February 26, 1947, § 224.1 of the economic regulations is amended by adding thereto a new paragraph (t) reading as follows:

§ 224.1 *Filing, posting and publishing of tariffs by air carriers and foreign air carriers.* * * *

(t) *Statement of filing with foreign governments.* Every air carrier tariff, supplement, or revised page containing rates or rules which by treaty, convention, or agreement entered into between any foreign country and the United States are required to be filed with that foreign country, shall include a statement substantially as follows:

The rates, fares, charges, classifications, rules, regulations, practices, and services provided herein have been filed in each country in which filing is required by treaty, convention, or agreement entered into between that country and the United States, in accordance with the provisions of the applicable treaty, convention, or agreement.

(52 Stat. 984, 992, as amended; 49 U. S. C. 425a, 483b)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2002; Filed, Mar. 4, 1947; 8:57 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,
Department of the Treasury

[T. D. 51637]

PART 10—ARTICLES CONDITIONALLY FREE,
SUBJECT TO A REDUCED RATE, ETC.

WOOL-BEARING SHEEPSKINS

Section 10.77, Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.77), is amended to read as follows:

§ 10.77 *Skins bearing wool as fur skins.* (a) The following types of lamb-skins may be classified as fur skins under paragraph 1681, Tariff Act of 1930,¹ without special supporting evidence:

Astrakhan.	Krimmer.
Bagdad.	Moire.
Bessarabian.	Mosul.
Bombay.	Multan.
Broadtail.	Persian.
Caracul.	Salzells.
Chekiang.	Shiraz.
Chinese.	Southwest African.
Indian.	Tsining.
Karakul.	

(b) If any skins, other than the above-named lambskins, bearing wool or hair of a kind described in paragraph 1101 or 1102, Tariff Act of 1930, as amended, are claimed to be more specifically provided for as fur skins in paragraph 1681 of that act, the importer shall file in connection with the entry an affidavit that the skins are to be used for no other purpose than as fur skins, and free entry shall be dependent upon a report of the appraiser that no substantial part of the wool or hair on the skins can economically be removed otherwise than as an unsought residue and used or disposed of in competition with pulled or clipped wool, and that they are suitable for use, without removing the wool or hair from the skins, in the manufacture or trimming of clothing, driving gloves, or other articles in which the imported skins will be used as furs. (Par. 1681: sec. 201, 46 Stat. 677, sec. 624, 46 Stat. 759; 19 U. S. C. 1201, 1624)

Insofar as the foregoing amendment will require the assessment of duty on merchandise of a kind now being classified under paragraph 1681, Tariff Act of 1930, it shall be effective only with respect to merchandise entered for consumption after the expiration of 30 days after the publication of the amendment in the weekly Treasury Decisions.

An investigation has established that at and immediately prior to the passage of the Tariff Act of 1930 the types of lambskins named in paragraph (a) of the amended § 10.77 were commercially known in the United States as fur skins and were chiefly used in this country for fur purposes. The investigation further disclosed that since 1936 certain importers have found it profitable to use, and have used, for fur purposes types of sheep and lamb skins which were not in fact fur skins but could be made suitable for fur use under prevailing market conditions by the removal of substantial

quantities of valuable wool. This wool is a valuable byproduct in the processing of the skins for fur purposes, rather than an unsought residue, and is sold in our markets in competition with pulled or clipped wool. Although a practice has been established of classifying such skins under paragraph 1681 because the primary use of such imported skins was for fur purposes, the Bureau is now satisfied that this practice was incorrect because such skins were neither commercially known nor chiefly used as fur skins at or before the passage of the Tariff Act of 1930.

The mere fact that wool-bearing sheepskins are to be used without the separation of the wool from the skin does not preclude the classification of such skins under paragraph 1101 or 1102, Tariff Act of 1930, and the Bureau is satisfied that kinds chiefly used shortly before the passage of the tariff act in the manufacture of powder puffs, dusters, and automobile polishers are classifiable under one of those provisions, insofar as the wool is concerned (T. D. 46035 and Abstract 1553 (N)). The use of wool-bearing sheepskins in the manufacture of floor coverings does constitute a fur use, and skins chiefly so used shortly before the passage of the act are classifiable under paragraph 1681 (T. Ds. 37221 and 48177).

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: February 25, 1947.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.
[F. R. Doc. 47-1999; Filed, Mar. 4, 1947;
8:57 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics,
Department of the TreasuryPART 206—ORGANIZATION, FUNCTIONS AND
PROCEDURES OF THE BUREAU OF NARCOTICSDELEGATION OF AUTHORITY AND PROCEDURE
WITH RESPECT TO OPIATES

1. The following new paragraph is added at the end of § 206.3 (11 F. R. 177A-71):

§ 206.3 *Delegations by the Secretary to the Commissioner of Narcotics.* * * *

(f) Authority to conduct any hearing to determine the addiction-forming or addiction-sustaining liability of any drug, as described in section 1 of the act of March 8, 1946 (Pub. Law 320, 79th Cong.); and to make, prescribe and issue, with the approval of the Secretary of the Treasury, all necessary rules and regulations for carrying out the provisions of section 1 of said act of March 8, 1946. (Sec. 1, Pub. Law 320, 79th Cong.; 60 Stat. 38)

2. The following new paragraph is added at the end of § 206.7 (11 F. R. 177A-72):

§ 206.7 *Rules.* * * *

(e) Any person interested in the determination whether a drug (as defined in the Federal Food, Drug and Cosmetic Act, 21 U. S. C. 321 (g)) has an addic-

tion-forming or addiction-sustaining liability similar to morphine or cocaine for the purpose of a finding whether it is an opiate as defined in section 1 of the act of March 8, 1946 (Pub. Law 320, 79th Cong.; 60 Stat. 38) will be accorded opportunity to be heard, by the Commissioner of Narcotics, Washington 25, D. C., pursuant to hearing regulations published in Part 207 (§§ 207.1-207.3) of this chapter, *infra*. (Sec. 1, Pub. Law 320, 79th Cong.; 60 Stat. 38)

[SEAL] JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury,

[F. R. Doc. 47-1970; Filed, Mar. 4, 1947;
8:56 a. m.]

[T. D. 38]

PART 207—DELEGATION ORDERS AND HEAR-
ING RULES UNDER THE ACT OF MARCH 8,
1946

Sec.

207.1 Delegation of authority, re opiates.
207.2 Hearing; notice.
207.3 Procedural rules.

AUTHORITY: §§ 207.1 to 207.3 inclusive, issued under section 1, Public Law 320, 79th Congress, 68 Stat. 38.

§ 207.1 *Delegation of authority (re opiates).* There are hereby conferred and imposed upon the Commissioner of Narcotics, subject to the general supervision and direction of the Secretary of the Treasury, all the rights, privileges, powers and duties conferred or imposed upon said Secretary by section 1 of Public Law 320, 79th Congress (60 Stat. 38) so far as such rights, privileges, powers and duties relate to:

(a) The conducting of any hearing to determine the addiction-forming or addiction-sustaining liability of any drug as defined in the act.

(b) The making, prescribing, and issuing, with the approval of the Secretary of the Treasury, of all necessary rules and regulations for carrying out the provisions of section 1 of Public Law 320, 79th Congress (60 Stat. 38).

§ 207.2 *Hearing; notice.* (a) For the purpose of carrying out the provisions of section 1 of Public Law 320, 79th Congress (60 Stat. 38), due notice shall be given, and opportunity for a public hearing to all interested parties shall be afforded to determine whether any drug as defined in the Federal Food, Drug and Cosmetic Act (21 U. S. C. 321 (g)) has an addiction-forming or addiction-sustaining liability similar to morphine or cocaine. The Commissioner of Narcotics, hereinafter designated as the Commissioner, is authorized to conduct a hearing at a time and place to be announced in the notice.

(b) Not less than 20 days prior to the date set for a hearing, the Commissioner shall cause to be published in the FEDERAL REGISTER a notice setting forth the date, time and place of the proposed hearing. The notice shall also identify the drug upon which evidence will be heard to determine its addiction-forming or addiction-sustaining liability. Any person desiring to be heard on the addiction-forming or addiction-sustaining liability of the particular drug shall

¹"Furs and fur skins, not specially provided for, undressed." (Tariff Act of 1930, par. 1681 (free list), 19 U. S. C. 1201).

furnish written notice to the Commissioner of Narcotics, Washington 25, D. C., not later than 20 days from the date notice of hearing is published in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received by the Commissioner within such period of 20 days, no hearing shall be held, but the Commissioner shall proceed to make a recommendation based upon the result of pharmacologic tests of the drug. This recommendation, together with a report of the results of pharmacologic tests upon which it is based, shall be transmitted promptly to the Secretary of the Treasury for a finding as to the addiction-forming or addiction-sustaining liability of the drug as compared to morphine or cocaine.

§ 207.3 *Procedure.* (a) If written notice of a desire to be heard is received by the Commissioner within the prescribed period of 20 days, the hearing will be held in accordance with the original notice. Evidence, both documentary and oral, will be received, and argument will be heard, on the question whether the particular drug has an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, but all such evidence shall be based upon the result of pharmacologic tests of the drug.

(b) The Commissioner shall prepare a report containing the substance of all evidence adduced, including copies of documentary evidence, the arguments presented, and any briefs submitted and shall transmit the same, with his recommendation, to the Secretary of the Treasury within 30 days from the date of conclusion of the hearing. All persons who were parties to the hearing shall, at the same time, be notified of the Commissioner's recommendation.

(c) Within ten days from the date of receipt of the Commissioner's recommendation, the Secretary of the Treasury shall make his finding, and if he finds that the drug has an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, he shall transmit such finding to the President for proclamation. If he finds that the drug has no such addiction-forming or addiction-sustaining liability, he shall so notify the Commissioner who shall communicate this finding to all persons who were parties to any hearing held under this section.

Sections 207.1 to 207.3, inclusive, shall take effect on the date of publication in the FEDERAL REGISTER.

[SEAL] JOSEPH J. O'CONNELL, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-1693; Filed, Mar. 4, 1947;
8:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329;

E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, as Amended March 4, 1947]

Sec.

- 944.1 Purpose and scope of this regulation; definitions.
- 944.2 Rules for acceptance and rejection of rated orders.
- 944.3 Report to Civilian Production Administration of improperly rejected orders.
- 944.4 Assignment of preference ratings.
- 944.4a Cancellation of preference ratings.
- 944.5 Sequence and description of preference ratings.
- 944.6 Doubtful cases.
- 944.7 Sequence of filling rated orders.
- 944.8 Delivery or performance dates.
- 944.9 Report to Civilian Production Administration of improper delay of orders.
- 944.10 Effect of other regulations and orders.
- 944.10a Effect of revocation of orders and regulations.
- 944.11 Use or disposition of material acquired with priorities assistance.
- 944.12 Intra-company deliveries.
- 944.13 Scope of regulations and orders.
- 944.13a Defense against claims for damages.
- 944.14 Inventory restriction.
- 944.14a Delivery for unlawful purposes prohibited.
- 944.15 Records.
- 944.16 Audit and inspection.
- 944.17 Reports.
- 944.18 Violations.
- 944.19 Appeals for relief in exceptional cases.
- 944.20 Notification of customers.

§ 944.1 *Purpose and scope of this regulation; definitions.* This regulation states the basic rules of the Civilian Production Administration which apply to all business transactions unless they are covered by more specific regulations or orders of the Civilian Production Administration which are inconsistent with this regulation. It includes transactions which are not subject to priority control in any other way than by this regulation. The following definitions apply for purposes of this regulation and any other regulation or order of the Civilian Production Administration, unless otherwise indicated.

(a) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(b) [Deleted Oct. 1, 1945.]

(c) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

§ 944.1b [Deleted Oct. 1, 1945.]

§ 944.2 *Rules for acceptance and rejection of rated orders.* Every order bearing a preference rating must be accepted and filled regardless of existing contracts and orders except in the following cases:

(a) A person must not accept a rated order for delivery on a date which would interfere with delivery on equal or higher rated orders which he has already accepted, or if delivery of the material ordered would interfere with delivery on an order which the War Production

Board or Civilian Production Administration has directed him to fill for that material or for a product which he makes out of it.

(b) A person must not accept a rated order (except an AAA or RRR order) for delivery on a date which can be met only by using material which was specifically produced for delivery on another rated order, and which is completed or is in production and scheduled for completion within 15 days.

(c) If a person, when receiving a rated order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer. He may not reject a low rated order just because he expects to receive conflicting higher rated orders in the future, nor because he would for any reason prefer to have higher ratings.

(d) If a person receives a rated order which is not required by § 944.8 to bear a specific delivery date and which he cannot fill promptly, he must accept it as long as he expects to be able to fill it within a reasonable time, unless he makes a consistent practice of not carrying a backlog and rejecting orders which cannot be promptly filled. He may treat different classes of customers differently in this respect, but only if there is a reasonable basis for the distinction. For example, he may make a regular practice of rejecting unfillable orders from all retailers but holding for backlog orders from all industrial customers.

(e) A rated order need not be (but may be) accepted in the following cases, but there must be no discrimination in such cases against rated orders, or between rated orders of different customers:

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. (When a person who has a rating asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on that rating, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of rated orders received by him after making the quotation and before he receives the firm order from the person making the inquiry.)

(For status of OPA ceiling prices under this section see Interpretation 2. For rule covering types of sales and types of purchases see Interpretation 3.)

(2) If the order is for the manufacture of a product or the performance of a service of a kind which the person to

whom the order is offered has not usually made or performed, and in addition if either (i) he cannot fill the order without substantially altering or adding to his facilities or (ii) the order can readily be performed by someone else who has usually accepted and performed such orders.

(3) If the order is for material which the person to whom the order is offered produces or acquires for his own use only, and he has not filled any orders for that material within the past two years, except on "special sales" as permitted in Priorities Regulation 13. If he has, but the rated order would take more than the excess over his own needs, he may not reject the rated order unless filling it would interfere with equal or higher rated orders already on hand, or orders which the War Production Board or Civilian Production Administration has directed him to fill, for the material or for a product which he makes out of it.

(4) If filling the order would stop or interrupt his production or operations during the next 40 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(For types of contracts which must be deferred see Interpretation 1b. For rule as to deferment of orders on steel, copper and aluminum producers, see Direction 11.)

(f) Any person who fails or refuses to accept an order bearing a preference rating shall, upon written request of the person placing the order, promptly give his reasons in writing for his failure or refusal.

(g) Some orders of the Civilian Production Administration provide special rules as to the acceptance and rejection of orders for particular materials. In such cases, the rules stated above in this section are inapplicable to the extent that they are inconsistent with the applicable order of the Civilian Production Administration. In addition, the Civilian Production Administration may specifically direct a person in writing to fill a particular purchase order or orders. In such cases he must do so without regard to any of the above rules in this § 944.2, except that he may insist upon compliance with regularly established prices and terms of payment.

§ 944.3 *Report to Civilian Production Administration of improperly rejected orders.* When a rated order is rejected in violation of this regulation, the person who wants to place it may file a report of the relevant facts with the Civilian Production Administration, which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

§ 944.4 *Assignment of preference ratings.* Preference ratings may be assigned to contracts, orders or deliveries by means of preference rating certificates, or by rules, regulations or orders of the Civilian Production Administration assigning ratings to particular orders or deliveries or to specified classes of orders or deliveries. Such ratings may be assigned to accepted contracts or orders, and also to orders which have not been placed or accepted at the time the rating

is applied for. Ratings are also assigned by certain governmental agencies, authorized by the Civilian Production Administration, to their own purchase orders or contracts. In some cases the Civilian Production Administration will raise or lower ratings already assigned and in that event the rules of Priorities Regulation 12 (§ 944.33) apply. Specific orders may also be issued as to particular deliveries or as to the use of particular facilities, without assigning ratings thereto.

§ 944.4a *Cancellation of preference ratings.* If a preference rating which has been assigned to a named person is revoked, he must immediately, in the case of each order to which he has applied the rating either cancel the order or inform his supplier that it is no longer to be treated as rated. If a regulation or order of the Civilian Production Administration which assigns a rating to a class or group of persons without naming them individually, is revoked they may not apply the rating to orders placed after the revocation. Orders to which they have already applied the rating for delivery within three months after the revocation remain validly rated, but, in the case of each order which they have placed for delivery after three months from that date, they must either cancel the order or withdraw the rating. If any person receives notice from his customer or otherwise that the customer's order is no longer rated or that the customer's order is cancelled, he must immediately withdraw any extensions of the rating which he has made to any order placed by him for more than \$25 worth of material. The Civilian Production Administration may specify different rules for the treatment of outstanding ratings at the time it revokes them.

(For the rules about transferring preference ratings when contracts are assigned, see Interpretation 5.)

§ 944.5 *Sequence and description of preference ratings.* (a) Preference ratings in order of precedence are: (1) AAA and RRR which are of equal value; (2) MM; (3) HHH; (4) CC, HH and RR, which are of equal value. The conditions under which each of these ratings are generally assigned is given in paragraph (b) below.

(b) The above preference ratings are generally assigned as follows:

(1) The AAA rating may be assigned in emergencies under existing procedures until March 31, 1947; and the RRR rating may be assigned before or after March 31 in extreme emergencies and where a RR rating would be inadequate. Some of the AAA ratings outstanding at the end of March 1947 will expire at that time under the terms of Priorities Regulation 35.

(2) The MM rating has in the past been assigned by the Army and Navy and other military and governmental agencies in accordance with provisions of Directive 41 and other CPA Directives

issued from time to time. These Directives have been revoked and no additional MM ratings will be assigned in the future, either by CPA or by other military and governmental agencies. Revocation of these Directives did not affect the validity of any ratings which were assigned under them before their revocation. However some of these ratings will expire at the end of March 1947, under the terms of Priorities Regulation 35.

(3) The CC rating may be assigned until March 31, 1947, as described in Priorities Regulation 28; and the RR rating may be assigned before or after the end of March as described in Supplement I to that regulation. That regulation and supplement describe the limited conditions under which the CPA may assign the CC or RR ratings. Many of the CC ratings outstanding at the end of March 1947 will expire at that time under the terms of Priorities Regulation 35.

(4) The HHH and HH ratings were assigned for housing under the rules explained in Priorities Regulation 33. These ratings are not affected in any way by Priorities Regulation 35.

(c) The rules for the extension of the above ratings are explained in Priorities Regulation 3.

§ 944.6 *Doubtful cases.* Whenever there is doubt as to the preference rating applicable to any order, the matter is to be referred to the Civilian Production Administration for determination, with a statement of all pertinent facts.

§ 944.7 *Sequence of filling rated orders.* (a) Every person who has rated orders on hand must schedule his operations, if possible, so as to fill each rated order by the required delivery or performance date (determined as explained in § 944.8). If this is not possible for any reason, he must give precedence to higher over lower rated orders and to all rated over unrated orders. However, material specifically produced for a rated order may not be used to fill a higher rated order (except AAA or RRR) subsequently received if the material is completed or is in production and scheduled for completion within 15 days. A low rated order bearing an earlier delivery or performance date must be filled before a higher rated order bearing a later delivery or performance date if it is possible to fill both of them on the required dates.

(b) As between conflicting orders which bear the same preference rating, precedence must be given to the order which was received first with the rating. As between conflicting orders received with the same preference rating on the same date, precedence must be given to the order which has the earlier required delivery or performance date.

(c) If a rated order or the rating applicable to an order is cancelled when the supplier has material in production to fill it, he need not immediately stop to put other rated orders into production if doing so would cause a substantial loss

of total production. He may continue to process that material which he had put into production for the cancelled order to a stage of completion which would avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any rated order on hand. He may not, however, delay putting other rated orders into production for more than 15 days.

(For the effect of changes in customers orders, see Direction 1 to this regulation. For further explanations of paragraph (b) see Interpretation 1c. For an explanation of how to determine the date on which a purchase order is received, see Interpretation 12.)

§ 944.8 Delivery or performance dates.

(a) Every rated order placed after March 18, 1944, must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Any order which fails to comply with this rule must be treated as an unrated order. The words "immediately" or "as soon as possible" or other words to that effect, are not sufficient for this purpose. There are three exceptions to this rule, where a rated order need not bear a required delivery or performance date as long as it is understood that delivery or performance is required as soon as practicable or customary: (1) Orders placed with or by persons who normally take physical delivery of the item ordered to hold it in stock for resale; (2) orders for not more than \$100; (3) orders rated AAA or RRR.

(b) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to § 944.7, shall be the date on which delivery or performance is actually required. The person with whom the order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances within the meaning of the foregoing sentence.

(c) If after accepting a rated order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it on time or within 15 days following the specified time, owing to the receipt of higher rated orders or for other reasons, he must promptly notify the customer, telling him approximately when he expects to be able to fill the order. Inability to fill the order on time or within fifteen days following the specified time does not authorize a supplier to cancel the order.

§ 944.9 Report to Civilian Production Administration of improper delay of orders. When delivery or performance of a rated order is unreasonably or improperly delayed, the customer may

file a report of the relevant facts with the Civilian Production Administration, which will take such action as it considers appropriate after requiring an explanation from the person with whom the order is placed.

§ 944.10 Effect of other regulations and orders. Specific allocations or other directions of the Civilian Production Administration for delivery of material or the use of facilities must be complied with regardless of ratings, unless otherwise specified. If restrictions under two or more regulations or orders of the Civilian Production Administration apply to the same subject matter, the most restrictive controls unless otherwise expressly provided. Rated orders are not exempt from restrictions on the amount of materials that may be made or delivered unless expressly so stated.

§ 944.10a Effect of revocation of orders and regulations. (a) When an order or regulation of the Civilian Production Administration is revoked, all published amendments, schedules, appendices, and directions to that order or regulation are revoked, unless otherwise stated in the instrument revoking the order or regulation.

(b) All directions, authorizations, production or delivery schedules and other instruments addressed to named persons pursuant to any order or regulation which was revoked before October 1, 1945, are revoked on October 1, 1945. Whenever an order or regulation of the CPA is revoked on or after October 1, 1945, all directions, authorizations, allocations, production or delivery schedules and other instruments addressed to named persons pursuant to that order or regulation are revoked, unless otherwise stated in the instrument of revocation. Any material which was obtained by means of any such revoked direction, authorization, allocation, etc., may be used or disposed of only as permitted under paragraph (b) of § 944.11.

(c) "Suspension orders" and "consent orders" issued on the basis of a violation of orders and regulations of the War Production Board or Civilian Production Administration remain in effect after revocation of such orders and regulations, unless otherwise provided. If you are subject to a suspension order or consent order which you think should be lifted or modified because of the lifting of the restriction on which the violation was based, you may address a request for relief to the Chief Compliance Commissioner, Civilian Production Administration, Washington 25, D. C.

§ 944.11 Use or disposition of material acquired with priorities assistance. (a) Any person who gets material with priorities assistance must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This restriction applies to material obtained by means of a preference rating (AAA, RRR, MM, HHH, CC, HH or RR) allocation, specific direction, or any other action of the War Production Board or Civilian Production Administration. Physical segregation is not required as long as the restrictions applicable to any

specific lot of material or product are observed with respect to an equivalent amount of the same material or product. The above restriction does not apply in the following two cases, but the rules on further use or disposition in paragraph (b) below must be observed: (1) When a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priorities assistance was given (for example, when the priorities assistance was given to fill a particular contract or purchase order and the material or product does not meet the customer's specifications or the contract or purchase order is cancelled); (2) when the material was obtained by means of a rating in the AA series or a CMP allotment, or by means of any order, regulation, rating, allocation, specific direction or other action of the WPB or CPA which has been revoked or cancelled, unless otherwise stated in the instrument of revocation or in any other action of the CPA.

(b) A material or product subject to paragraph (a) (1) or (2) above may be used or disposed of only as follows:

(1) If the holder acquired or made the material or product for use and not for sale or resale and is not regularly engaged in the business of selling it, a proposed sale by him is a special sale covered by Priorities Regulation 13 and he may sell or transfer it only as provided in that regulation.

(2) If the proposed sale is not a special sale described by paragraph (b) (1), the holder may sell as long as he complies with all requirements of other applicable sections of this regulation and of other orders and regulations of the Civilian Production Administration. This is true of all such sales of any material including scrap.

(3) The holder may, within the limitations of paragraph (f) of Priorities Regulation 32 (inventory restriction on processing), use the material or product himself in any manner or for any purpose as long as he complies with all applicable CPA orders and regulations. If the intended use is prohibited or restricted, he must appeal or otherwise apply for permission under the applicable order or regulation.

§ 944.12 Intra-company deliveries. When any rule, regulation or order of the Civilian Production Administration prohibits or restricts deliveries of any material by any person, such prohibition or restriction shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(For rule as to effect of inventory and small order provisions on separate operating units of same company see Interpretation 8.)

§ 944.13 Scope of regulations and orders. All regulations and orders of the Civilian Production Administration (including directions, directives and other instructions) apply to all subsequent

transactions even though they are covered by previous contracts. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 states and the District of Columbia. However, restrictions of Civilian Production Administration orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Army or Navy outside the 48 states and the District of Columbia, unless otherwise specifically provided. Regulations and orders do not apply to transactions in the Philippine Islands unless they specifically state that they do. Exports and deliveries of material to be exported may be made regardless of any CPA order or regulation restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export.

(For applicability of certain restrictions in CPA orders to exports, see Interpretation 1B.)

§ 944.13a. Defense against claims for damages. No persons shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any rule, regulation or order of the Civilian Production Administration, notwithstanding that any such rule, regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

§ 944.14 Inventory restrictions. No person may deliver or receive into inventory more of any material than is permitted under Priorities Regulation 32. That regulation takes the place of the rules formerly in this section.

§ 944.14a Delivery for unlawful purposes prohibited. No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the Civilian Production Administration.

§ 944.15 Records. Each person participating in any transaction to which any rule, regulation or order of the Civilian Production Administration applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and of his inventories of the material involved. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each

transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of rated orders (or other orders required by the Civilian Production Administration to be filled) either accepted or offered and rejected, and other pertinent information. Records kept by any person pursuant to this section shall be kept either separately from the other records of such person and chronologically according to daily deliveries by such person, or in such form that such a separate chronological record can be promptly compiled therefrom. Whenever a regulation or order requires a person to restrict his operations in proportion to his operations in a base period (for example, an order may forbid him to use more of a certain kind of material than he used in the fourth quarter of 1942) he must determine, as accurately as is reasonably possible, his base period operations and preserve a written record of any figures and work sheets showing how he made his calculations for inspection by Civilian Production Administration officials as long as the regulation or order remains in force and for two years after that. Whenever a person is restricted as to the quantity of material he may use in production or the amount he may produce, under quota restrictions, limitation orders, authorized production schedules, special directions or similar provisions, he must keep reasonably adequate records of the material consumed and of production to show whether he is complying with the restrictions. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Photographic copies of records may be kept. See Interpretation 6.)

§ 944.16 Audit and inspection. All records required to be kept by this regulation or by any rule, regulation or order of the Civilian Production Administration shall, upon request, be submitted to audit and inspection by its duly authorized representatives.

§ 944.17 Reports. Every person shall execute and file with the Civilian Production Administration such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The rules on filing reports are explained in Priorities Regulation 8.

§ 944.18 Violations. Any person who violates any provision of this regulation or any other rule, regulation or order of the Civilian Production Administration, or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnishes false or misleading information to the Civilian Production Administration, and any person who obtains a delivery, an allocation of material or facilities, or a preference rating by means of a material and wilful, false or misleading statement, may be prohibited by the Civilian Production Administration from making or obtaining further deliveries of material or using facilities under priority or allocation

control and may be deprived of further priorities assistance. The Civilian Production Administration may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. sec. 80), or under the Second War Powers Act (Public No. 507, 77th Congress, March 27, 1942).

§ 944.19 Appeals for relief in exceptional cases. Any person who considers that compliance by himself or another with a rule or regulation or order of the Civilian Production Administration would work an exceptional and unreasonable hardship on him may appeal for relief. The rules for the filing and handling of appeals are given in Priorities Regulation 16.

§ 944.20 Notification of customers. Any person who is prohibited from or restricted in making deliveries of any material by the provisions of any rule, regulation or order of the Civilian Production Administration shall, as soon as practicable, notify each of his regular customers of the requirements of such rule, regulation or order, but the failure to give notice shall not excuse any customer from the obligation of complying with any requirements applicable to him.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1A: Revoked August 28, 1945.

INTERPRETATION 1B

TYPES OF EXISTING CONTRACTS WHICH MUST BE DEFERRED

Section 944.2 of Priorities Regulation 1, as amended, makes compulsory the acceptance and filling of rated orders for any material, "regardless of existing contracts and orders". The "existing contracts" referred to include not only ordinary purchase contracts but other arrangements achieving substantially the same results, though in form they may concern the use of production facilities rather than the material produced. Preference ratings are applicable to facilities as well as materials.

Examples of such "existing contracts" which must be subordinated to higher rated orders are (1) arrangements whereby a producer, regularly engaged in producing a given product for sale to others, leases a portion of his plant, or the whole of it for a relatively short period, as a going concern to one of his customers and operation is continued under the producer's management and with the producer's regular personnel; and (2) arrangements whereby such a producer, in lieu of buying raw materials and selling the product, accepts raw materials belonging to a customer for processing pursuant to a toll agreement or similar undertaking. If the deliveries to be made to such customer carry a preference rating, the sequence of deliveries as compared with deliveries to other persons placing orders with the producer is to be determined as provided in § 944.7 of Priorities Regulation No. 1. (Issued Mar. 18, 1944.)

INTERPRETATION 1C

SEQUENCE OF DELIVERIES AND PRODUCTION FOR RATED ORDERS

The provisions of § 944.7 (b) of Priorities Regulation No. 1, as amended, with respect to the sequence of deliveries bearing the same

preference rating, are applicable only in cases where different deliveries bearing the same preference rating cannot be made on schedule. If material supply and available facilities permit deliveries bearing the same rating to be made on schedule, Regulation No. 1 does not have any particular effect on the sequence of production for such deliveries. Where it is necessary to choose between deliveries bearing the same preference ratings, delivery to the customer from whom the order was first received with the rating is to be preferred and production schedules must be adjusted accordingly. For example, suppose a rated order is received from one customer in January for August delivery and another order bearing the same rating is received from a second customer in June calling for July delivery. If both deliveries cannot be made on schedule, the second customer is not permitted to get the material away from the first customer. The producer must defer production on the second order to the extent necessary to make delivery on the first order on the August delivery date. If, on the other hand, both deliveries can be made on schedule, it is not necessary to produce or make delivery on the first customer's order ahead of that of the second. (Issued Mar. 18, 1944.)

INTERPRETATION 1D: Revoked June 28, 1945.

INTERPRETATION 1E

ARMY INCLUDES PANAMA CANAL—NAVY INCLUDES COAST GUARD

(a) The definition of defense orders formerly appearing in § 944.1 (b) has been deleted since a blanket rating of AA-5 is no longer assigned to such orders. However, any reference to the Army without any other definition in any order of the Civilian Production Administration also applies to the Panama Canal, and a reference to the Navy, to the Coast Guard. (Issued Oct. 1, 1945.)

INTERPRETATION 2

REGULARLY ESTABLISHED PRICES

(a) *Acceptance of orders at regularly established prices.* (1) An order bearing a preference rating may not be rejected on the ground that the price is below the regularly established price, if the purchaser offers the OPA ceiling price, if any.

(2) Section 944.2 of Priorities Regulation 1 makes the acceptance of rated orders mandatory except in the several situations specified in the section. The only exception dealing with price is contained in paragraph (e) (1) which states that a rated order need not be accepted "if the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment."

(3) "Regularly established prices" cannot be higher than OPA ceiling prices, if any. They may, however, be lower. (Issued Mar. 18, 1944.)

(4) However, when no OPA ceiling price is applicable "a regularly established price" is the price the seller, when the rated order was received, is offering the material for sale to the class of purchasers to which the person who placed the rated order belongs and for delivery at the time the rated order requests. As explained in § 944.2, there can be no discrimination in price against a rated order, or between rated orders of different customers of the same general class.

(b) *Effect of increase in price after a rated order is accepted.* (1) In establishing new price levels, there must be no discrimination against rated orders, or between the rated orders of customers in the same class.

(2) If, after a rated order is accepted the seller's regularly established price increases as to all customers in the class to which the person who placed the rated order belongs, or if the OPA ceiling price, if any, is increased, the seller must still treat such order as a rated order if the purchaser is willing to meet the increased price.

(3) A seller must not remove the rated order from his shipping schedule until he has given the buyer adequate notice of his intention to do so and the buyer has had adequate time (in any case not less than seven days) to agree to the new price.

(4) This interpretation is not intended to affect any questions of liability of the seller for failure to deliver at the earlier price. (Issued July 2, 1946.)

INTERPRETATION 3

REJECTION OF RATED ORDERS FOR FAILURE TO MEET ESTABLISHED PRICES AND TERMS

(a) Section 944.2 of Priorities Regulation 1 states that every order bearing a preference rating must be accepted and filled with certain exceptions listed in the section. One exception is where a buyer does not "meet regularly established prices and terms of sale or payment". This exception applies to a seller who receives a rated order for quantities which are less than the minimum which he regularly sells. For example, a manufacturer who has been selling only in carload lots may reject a rated order for a less than carload lot.

This exception applies similarly to a person who regularly sells only in multiples of a specified quantity and receives a rated order for a number which is not a multiple of that quantity. For example, a manufacturer who regularly sells his product only in standard shipping packages containing one dozen receives a rated order for 40. He may fill the whole order or he may fill it to the extent of 36 and reject it for 4.

A further problem arises when a manufacturer receives such an order with split ratings. For example, suppose the manufacturer who sells his product only in standard shipping packages of a dozen receives an order for 30 rated MM and 20 rated CC. In such a case the general rule is that amounts in excess of a multiple of the standard shipping package ordered at higher ratings may be included with amounts ordered at lower ratings if the manufacturer wishes to adhere to his standard shipping package and not fill the order as received. He may then, in the case supposed, treat the order as one for 24 items rated MM and 24 rated CC and reject it for 2 of the items. Of course, he may fill the order as placed if he prefers to do so; but, if he does not he must fill it as illustrated above.

(b) The exception also applies to the seller who regularly sells only to certain types of trade purchasers, such as wholesalers, jobbers or retailers. He may reject orders from other types of purchasers but only if it is practicable to obtain the merchandise in the required quantity through regular trade channels.

(c) The exception applies to a manufacturer who receives a rated order which, together with orders on hand, totals less than his minimum production run of a product which is mass produced and cannot be filled from inventory. It makes no difference that he has regularly sold in quantities as small as that ordered. For example, suppose a manufacturer's minimum production run is 1,000 units, but he has regularly sold in lots of 10 units. At a time when he has none of the particular product in inventory and no orders on hand, he receives a rated order for 600 units. He may reject the order. If, however, he has on hand a previously accepted order for 400 units, he would be required to accept the order for 600 units.

(d) It should be noted that paragraph (e) of § 944.2 in which the above exception appears includes the requirement that "there must be no discrimination in such case against rated orders, or between rated orders of different customers." This means, for example, that a seller who sells principally at wholesale but also at retail to one or more customers may not reject rated retail orders from other customers. However, if a manufacturer or wholesaler has an exclusive dis-

tributor, either for all sales or for a particular territory, he may reject orders from other purchasers provided the exclusive distributor is in a position to fill the orders promptly. (Issued Oct. 1, 1945.)

INTERPRETATION 4: Revoked October 1, 1945.

INTERPRETATION 5

EFFECT OF ASSIGNMENT OF A RATED ORDER OR CONTRACT ON SEQUENCE OF DELIVERY

When a rated contract is assigned, the rating remains applicable to the contract as assigned if, but only if, the assignee uses the material covered by the contract for substantially the same purpose for which the rated contract was placed.

Examples. (1) The Navy places a rated order with A and A extends the rating to B. Later the Navy and A cancel the contract and the Navy enters into a new contract with C for delivery of the same product at the same time and applies the same rating to it. A assigns to C his contract with B. The rating which A had extended to B remains valid as of the time it was extended by A, and B must honor it in making delivery to C.

(2) A steel mill places an order for a repair part rated CC. The steel mill finds that it does not need the part but another steel mill needs the same and asks the first mill to assign its contract for the part. The second mill could also apply a CC rating to the delivery. However, it prefers to use the first mill's rating so as to come ahead of the orders which have been placed since the first mill placed its order. The second mill may not make this use of the rating, since the rated order was placed for the repair of the first mill's facilities and the purpose of the order has thus been changed.

(3) The Civilian Production Administration assigns a rating on a Form WPB 541A to a textile manufacturer to buy some textile machinery. He places an order with a machinery manufacturer and applies the rating to the order. He decides he does not need the machinery but finds another textile producer who does need the machinery and is willing to purchase the same from him. He therefore assigns the contract for the machinery to the second textile producer. The rating does not apply to the delivery to the second producer since it was assigned by the Civilian Production Administration only for the purpose of filling a specific need shown by the first textile producer. (Issued Oct. 1, 1945.)

INTERPRETATION 6

MICROFILM RECORDS

Records required to be kept by § 944.15 of Priorities Regulation No. 1 or by any other order or regulation of the Civilian Production Administration may be kept in the form of microfilm or other photographic copies instead of the originals. (Issued Aug. 14, 1943.)

INTERPRETATION 7: Revoked August 28, 1945.

INTERPRETATION 8

EFFECT OF INVENTORY AND SMALL ORDER PROVISIONS ON SEPARATE OPERATING UNITS OF THE SAME COMPANY

(a) If an individual plant, branch store, division or other operating unit normally keeps separate inventory from the rest of the corporation or firm, inventory restrictions in Civilian Production Administration orders and regulations apply to it separately. Thus, although another unit may have exceeded an inventory limit, this does not prevent a unit which has not exceeded it from acquiring additional inventory within the limit.

(b) Likewise, if an order of the Civilian Production Administration provides an exemption for small purchases, an operating unit which normally buys separately need not consider purchases made by other units

in determining whether it comes within the exemption.

(c) It may happen that the same operating unit will be treated separately for purposes of inventory restrictions but not for purposes of small order exemptions. For example, if a distributor purchases centrally for direct shipment to several outlets which keep separate inventories, the outlets are treated separately for purposes of inventory restrictions but the central purchasing agency must include all its purchases in determining whether a transaction comes within a small order exemption.

(d) This interpretation applies only in cases where a contrary rule is not expressly stated in the applicable Civilian Production Administration order or regulation. Also it only applies where the regular business practice of the unit in question is to keep a separate inventory or to buy separately. It does not apply if the regular practice has been changed just for the purpose of coming within this interpretation. (Issued Nov. 22, 1944.)

INTERPRETATION 9: Revoked March 18, 1944.

INTERPRETATION 10

EFFECT OF CANCELLATION OF A PURCHASE ORDER ON DIRECTIVE REQUIRING ITS IMMEDIATE PRODUCTION

In many instances, the Civilian Production Administration has issued directives to producers and manufacturers requiring them to produce particular orders ahead of their normal place on the producers' or manufacturers' schedules. Typical of such directives are directives requiring them to produce certain orders by a given date, regardless of the effect of doing so on the production of other orders. If and when the particular orders are cancelled, the directives lose all effect. This is so since the reason for issuing the directives, namely, the urgent need for a particular product, no longer exists when the order for the product has been cancelled. (Issued Oct. 1, 1945.)

INTERPRETATION 11

PLACING AND ACCEPTANCE OF ORDERS FOR FUTURE DELIVERY CONDITIONED ON REMOVAL OF CPA RESTRICTIONS

(a) Some orders and regulations of the Civilian Production Administration forbid the placing or acceptance of purchase orders for certain materials or products unless the purchase orders bear specified preference ratings, or unless they are accompanied by special authorization or unless they meet some other condition. Such provisions do not, however, prohibit the placing or acceptance of a purchase order which by its express terms, is not to be filled until after removal of such restrictions by the Civilian Production Administration.

(b) A manufacturer may not, of course, schedule such orders for production or place material in production to fill such orders until after the applicable CPA restriction is removed. He may order materials needed to fill such orders, but his own orders must call for delivery at a future time when the material can be received under Priorities Regulation 32. Also, if he is ordering a material which is itself subject to a restriction on placing or accepting of orders, that purchase order must as well be conditioned on the removal of the restriction.

(c) [Deleted Oct. 1, 1945.]

(d) [Deleted Nov. 13, 1944.]

(Issued Oct. 1, 1945.)

INTERPRETATION 12

DATE ON WHICH PURCHASE ORDER IS RECEIVED

(a) Section 944.7 (b) provides that between conflicting orders which bear the same preference rating, precedence must be given to the order which was received first with the

rating. Some questions have arisen as to how to fix the date when the order was "received", due to the fact that occasionally specifications are not sent to the manufacturer with the customer's order. The word "order" as used in § 944.7 (b) means a purchase order accompanied by specifications in sufficient detail to enable the manufacturer to put the product in production. Not until such specifications have been furnished is there an "order". The date on which such specifications are furnished to the manufacturer is the date on which the order is "received". This date, and not the date on which the order without specifications was first received by the manufacturer, controls the position the order takes in the manufacturer's schedule.

For example, where an engine manufacturer on February 1st receives a rated order for fifty engines for July delivery but the customer does not, until March 1st, furnish the specifications as to carburetors, pumps, or other equipment, necessary before the engines can be put into production, March 1st is the date the "order was received" for the purposes of § 944.7 of Priorities Regulation No. 1.

(b) With respect to unrated orders which are subsequently rated, the order is not "received" for the purposes of § 944.7 until the supplier receives the application or extension of the rating properly certified. The date of the rated order is not retroactive to the time the original unrated order was placed. Similarly, where an order originally rated in the AA series became unrated after September 30, 1945, the subsequent application or extension of a AAA, MM or CC rating to the order does not relate back to the time the order was originally rated. (Issued Dec. 11, 1945.)

INTERPRETATION 13

APPLICABILITY OF ORDERS AND REGULATIONS TO USED OR SECOND-HAND MATERIALS AND PRODUCTS

(a) Every order or regulation of the Civilian Production Administration applies to materials and products in used or second-hand form (other than scrap) to the same extent as to new items, unless the order or regulation or a published interpretation of it expressly states otherwise.

(b) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 14

SUMMARY OF CPA CONTROLS REGARDING IDLE OR EXCESS INVENTORIES

(a) *Purpose of this interpretation.* This interpretation summarizes some of the important rules on what to do when you have materials or products which are idle or excess in your inventory because of a termination or cut-back in your war contracts or other changes in your operations. These are not new rules on this subject, nor are they necessarily complete, but they are intended to be convenient references to rules which are now effective in CPA orders and regulations. As these orders and regulations are revised from time to time, you should be sure to look at the latest copies.

(b) *General rule.* The general rule is that if you got a material or product by using a preference rating, or other WPB or CPA priorities assistance, you must if possible use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This is the rule of § 944.11 (a) of Priorities Regulation 1, which also states the conditions under which physical segregation of inventory is not required. Two exceptions to this rule, i. e., when the material or product can no longer be used for the original purpose, or when the rating or other assistance has been revoked, are explained in paragraphs (a) (1) and (2) of § 944.11.

Disposition or Use of Excess

(c) *In general.* If you have a termination cut-back, or other reduction in your operations, it may be impossible to use the material or product for the purpose for which the priorities assistance was given. In this case, or if the rating or other assistance has been revoked, you may dispose of it as explained in paragraphs (b) (1) and (b) (2) of § 944.11 of PR-1, or you may use it as explained generally in paragraph (b) (3) of that section. These rules are summarized in paragraphs (d) and (e) below.

(d) *Disposition—(1) Special sales.* If you want to sell the excess material or product to someone else, and you acquired or made it for your own use and you do not sell it in the regular course of your business, you should look at Priorities Regulation 13 for the rules governing such "special sales". These include special sales as scrap (other than plant generated scrap). Also, all sales of surplus materials or products by Government agencies are special sales.

(2) *Other sales.* If the sale of the particular material or product, including scrap, is not a special sale, it is permitted as long as you comply with all requirements of CPA orders and regulations which apply to the material or product you are selling. For example, you are usually required to accept rated orders and observe the sequence of preference ratings; and if the material or product may be sold or scrapped only on specific CPA authorization as described in the applicable order or regulation, you must do what the order says.

(e) *Use—Must be in compliance with applicable CPA orders.* If you want to use the excess material or product, you must always comply with all applicable CPA orders and regulations governing its use, inventory, etc., and you may have to appeal if the intended use is not a permitted use. To find out what orders or regulations are applicable to the particular material or product, it may be helpful to look at the CPA publication, "Products and Priorities," or you can ask your nearest CPA field office.

(2) [Deleted Dec. 11, 1945.]

(3) [Deleted Oct. 1, 1945.]

(4) [Deleted Dec. 11, 1945.]

(f) [Deleted Oct. 1, 1945.]

(g) *Special provision for transfer among war contractors.* If you have a war contract which has been terminated or modified, and another contractor is producing similar products for the same procuring agency, he may be able to receive excess materials (from you, your suppliers, or the procuring agency) in excess of inventory limits. This is permitted when authorized by the procuring agency to the extent described in Direction 1 to Priorities Regulation 32. This direction covers both the inventory exceptions necessary to receive excess materials of this kind, and also the sale or exchange of the materials.

Bringing Inventory Back to Normal

(h) *Inventory limitations.* If the termination or cut-back results in your having a bigger inventory than you need, the mere possession of it is not prohibited as long as the particular material or product was properly acquired. This is explained in Interpretation 5 to Priorities Regulation 32. However, you may not receive further deliveries of the particular material or product held in excess, nor may you fabricate above permitted inventory levels, except as provided in the applicable regulations or orders. The general inventory rules are in Priorities Regulation 32, and specific inventory limits on particular materials or products or relating to particular classes of persons are indicated in Tables 1 and 2 of that regulation. In general, upon any reduction in operations, outstanding orders for the items which constitute an excessive inventory must be

promptly adjusted, or, if necessary, cancelled. However, certain further deliveries may be received to the extent permitted by paragraph (h) of Priorities Regulation 32, and special items may be received as permitted by that paragraph and by Direction 3 to that regulation. A limited inventory exception in the case of items bought on special sales is provided in PR-13.

(1) *Cancelling ratings.* In cutting back or cancelling orders as described above you will probably have to cancel your ratings to the extent described in § 944.4a of PR-1. (Issued Dec. 11, 1945.)

INTERPRETATION 15: Revoked August 28, 1945.

INTERPRETATION 16

APPLICABILITY OF PRIORITY RULES TO SUPPLIERS OF COMPLETE PRODUCTS AND PARTS FOR THE COMPLETE PRODUCTS

(a) *Applicability of rules regarding acceptance of orders.* A person who supplies parts for a complete product, as well as the complete product itself, may not accept an order for the complete products calling for delivery on a date which would interfere with delivery of equal or higher rated orders for parts which he has already accepted. In other words, he must comply with the rules in § 944.2 of Priorities Regulation 1 in accepting orders for complete products and orders for parts only. Thus if he gets a rated order for complete products calling for delivery on June 1, 1945, and cannot fill this order without using parts which are required for delivery on an equal or higher rated parts order previously accepted, calling for delivery on June 1, 1945, he may not accept the order for the complete products. In such a case, he must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date.

(b) [Deleted Oct. 1, 1945.]

(c) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 17: Revoked August 28, 1945.

INTERPRETATION 18

APPLICABILITY OF CERTAIN RESTRICTIONS IN CPA ORDERS TO EXPORTS

The last sentence of § 944.13 (formerly Priorities Regulation 15) does not in any way relax restrictions in limitation or conservation orders in so far as they apply to manufacture within the United States or to the maintenance of inventory within the United States. The only effect of the sentence is to lift such restrictions as may be based upon the size of an inventory maintained in a foreign country or on a use (including use for manufacture) which is to take place in a foreign country.

Of course, no orders of the Civilian Production Administration directly limit the size of inventory or the manner of use of an article in a foreign country. Nevertheless, there are some orders which, in the absence of this provision in § 944.13, might impose such limitations indirectly. Orders which provide that a person may not sell a particular material if he knows or has reason to believe that the purchaser will, upon receipt, have an inventory exceeding some stated amount or use the material for a particular purpose would, in the absence of this provision, prevent certain sales by subjecting sellers to possible liability even though the inventory existed or the use occurred in a foreign country. § 944.13 has the effect of relieving sellers of such liability in the limited situation described.

Furthermore, it is only restrictions which are expressed as based upon size of inventory or manner of use which are affected by this section. Where an order requires admin-

istrative action, such as an allocation or an express authorization, that requirement is not waived and must be met before the material can be delivered, acquired or used. (Issued Dec. 11, 1945.)

INTERPRETATION 19

PRESERVATION OF RECORDS AFTER REVOCATION OF APPLICABLE ORDERS

Section 944.15 of Priorities Regulation 1 requires the keeping and preservation for at least two years of certain records relating to transactions under CPA orders and regulations. This requirement does not lapse upon the expiration or revocation of the applicable order or regulation and the two year period must be counted from the date the transaction occurs. The reference in the section to rules, regulations or orders of the Civilian Production Administration includes reference to any regulations or orders of its predecessor, the War Production Board, whether or not they expired or were revoked before the establishment of the Civilian Production Administration. (Issued Jan. 17, 1946.)

DIRECTIONS TO PR 1

The following directions to PR 1 are still in effect (July 24, 1946):

1. Changes made by customers in orders placed with manufacturers.

2. Transfer of title in financing rated orders.

9. Use of ratings or authorizations for machine tools or other facilities when related military procurement programs or contracts are cancelled or cut back.

11. Special rules for placing and scheduling rated orders for steel, copper and aluminum.

12. Use by ship chandlers and other ship suppliers of materials obtained by means of ratings assigned on WPB-646.

13. Emergency suspension of outstanding ratings for iron and steel.

14. Steel drums for manufacturers of corn syrup for famine relief.

[F. R. Doc. 47-2098; Filed, Mar. 4, 1947; 11:27 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, as Amended March 4, 1947]

§ 944.23 *Priorities Regulation 3—(a) Purpose of this regulation.* This regulation states the rules for the use of preference ratings, what kind of purchase orders or services may be rated and how a rating may be put on an order. It also places restrictions on the use of ratings and includes lists of products for which ratings may not be used at all. In general this regulation should be consulted before using a rating whether it was gotten directly from the Civilian Production Administration or from a customer.

(b) *Definitions.* For the purposes of this regulation:

(1) "Person" and "material" mean the same thing they do in Priorities Regulation 1.

(2) "Assignment" of a preference rating. A preference rating is assigned to a person when the Civilian Production Administration or someone that it has authorized issues an order or preference rating certificate giving him the right to use the rating.

(3) "Application" of a preference rating. A preference rating is applied when the person to whom it is assigned uses the rating. A rating is applied also

when any governmental agency which is authorized by the Civilian Production Administration rates an order for delivery of material directly to it.

(4) "Extension" of a preference rating. A preference rating is extended when it is used by the person to whom it is applied or extended by another person.

(c) *Use of ratings in general.* (1) When a regulation, preference rating order or preference rating certificate assigns a rating to any person, either by naming him or by describing the class of persons to which he belongs, that person may apply the rating to get delivery of material or the performance of certain services. Also, a person may under certain conditions extend a rating which has been applied or extended to his deliveries of material, but not one applied to services. More detailed rules as to how and when ratings may be applied or extended are set out below in this regulation.

(2) When a Civilian Production Administration order or certificate states the quantities and kinds of material or the particular services which are rated, the person to whom it is assigned may use the rating to get only that quantity and kind of material or that particular service named in the order or certificate. If the quantities of material are not stated in the order or certificate assigning the rating it may be applied only to get the minimum amount needed.

(3) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

(d) *When AAA, RRR or MM ratings may be extended for material.* The following provisions of this paragraph (d) apply to all extensions of AAA, RRR or MM preference ratings to get deliveries of material, unless they are modified by or are inconsistent with the provisions of any particular order.

(1) [Deleted Oct. 1, 1945.]

(2) When a person has received a AAA, RRR or MM rated order for the delivery of material, he may extend the AAA, RRR, or MM rating to get the material which he will deliver on that order, or which will be physically incorporated in material which he will deliver, subject to applicable inventory restrictions of the Civilian Production Administration as explained in Priorities Regulation 32. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(3) If a person has made delivery of material, or has incorporated it into other material which he has delivered on an AAA, RRR or MM rated order, he may extend the AAA, RRR or MM rating to replace it in his inventory. However, if after delivering the material he still has a practicable working minimum inventory he may not extend the AAA, RRR or MM rating to replace the material delivered; and if by making the delivery his inventory is reduced below this minimum, the AAA, RRR or MM rating may be extended to get only the amount necessary

to restore the inventory to a practicable working minimum. Any material ordered to replace in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design.

(4) A person to whom a rating of AAA, RRR or MM has been applied or extended to get material may not extend that AAA, RRR or MM rating to get any material for his own plant improvement expansion or construction, or to get machine tools or other items which he will carry as capital equipment, or to get business machines for his own use whether purchased or leased, or to get maintenance, repair or operating supplies for his own use.

(d-1) CC and RR ratings may not ordinarily be extended. CC and RR ratings may not be extended by a supplier to get production materials needed to make the item sold to his customer, or to replace in inventory materials used to make the item or to get containers or closures needed to pack the item. A distributor, warehouse, retailer, or other person who resells the item without further fabrication may extend the CC and RR rating where he does not have the item in inventory, but may not extend the rating to replace the item in inventory.

However, when a person has received a CC rated order for the delivery of textile fabric (cotton, rayon, or wool, or their blends), he may extend the CC rating to get the fabric which he will deliver on that order, or the unfinished fabric which he will deliver on it after finishing, subject to applicable inventory restrictions of the Civilian Production Administration as explained in Priorities Regulation 32. If the rating is extended for gray fabric to fill an order for finished fabric, it may include the portion of the gray fabric which would normally be consumed or converted into scrap or by-products in the course of finishing. If a person has made delivery of textile fabric, or has converted gray fabric into finished fabric which he has delivered on a CC rated order, he may extend the CC rating to replace it in his inventory: *Provided*, That if after delivering the fabric he still has a practicable working minimum inventory, he may not extend the CC rating to replace the fabric delivered; and if by making the delivery his inventory is reduced below this minimum, the CC rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any fabric ordered to replace inventory must be made of the same textile fiber (or combination of such fibers), and of the same type of construction and approximate weight as the fabric which such person delivered.

(e) *Additional restrictions upon use of ratings for certain materials.* Because of special circumstances which exist with respect to certain materials and products, the use of preference ratings to get items on List A attached to this regulation is restricted as follows:

(1) *Items as to which preference ratings have no effect; List A.* Any item

on List A may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order.

(2) [Deleted Oct. 1, 1945.]

(3) [Deleted Oct. 1, 1945.]

(f) *Use of ratings for services—(1) Ratings may not be used for personal services.* Preference ratings may never be used to get labor or personal services as distinct from services performed in the course of a regular business involving the use of plant, machinery or equipment owned by the person furnishing the services. For example, ratings may be used to get a repair job done in a repair shop as explained below but may not be used to compel an individual employee to work on a repair job or to obtain the services of a consulting engineer.

(2) *Three cases where ratings may be used for services.* There are only three situations in which a preference rating may be used to get services, as distinct from the production or delivery of material:

(i) *A rating assigned for the purpose.* If the Civilian Production Administration assigns a rating to a named person to get specified services he may use the rating for that purpose.

(ii) *For processing.* When a person has a rating which he may use to get processed material, he may (unless prohibited by another regulation or order) furnish the unprocessed material to a processor and use the same rating to get it processed.

(iii) *For repairs.* Any rating which may be applied to the delivery of specific repair parts or materials may also be applied to the installation of the repair parts or materials or to the repair job alone if it is found that installing the parts or materials is not necessary. However, in the case of ordinary plumbing, heating, electrical, automotive or refrigeration repairs, a rating may not be applied to repair work even if the rating is expressly applicable to repair parts or materials. As used in this subparagraph "repair" means to fix a plant, machinery or equipment after it has broken down or when it is about to break down. "Repair" does not mean upkeep or maintenance service such as periodic inspection, cleaning, painting, lubricating, etc.

(3) *Ratings for services only may not be extended.* A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

(g) *How to apply or extend a rating.*

(1) When a person applies or extends a preference rating he must put the rating (and symbol, if appropriate) on the order together with a certification signed as prescribed in Priorities Regulation 7. He may use the standard certification set out in that regulation, or if he prefers the following:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the Civilian Production Administration that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

(Name of Purchaser)

(Address)

By -----
(Signature and Title of
Duly Authorized Officer)

(Date)

The person who receives the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

(4) When a person applies or extends a rating he shall also include on his purchase order or contract any information which may be required by any applicable Civilian Production Administration order.

(5) Each person who applies or extends a rating must keep at his regular place of business all documents including purchase orders and preference rating orders and certificates which authorize him to apply or extend the rating. These documents, orders and certificates must be kept in such a way that they can be readily segregated and furnished to representatives of the Civilian Production Administration for inspection.

(6) When either certification authorized in this paragraph (g) is used it will not be necessary to use any other certification in order to apply or extend a preference rating, nor will it be necessary to furnish a copy of any preference rating order no matter what any regulation, preference rating order or preference rating certificate says unless it expressly states that this regulation does not apply.

(7) No person shall knowingly purport to apply or extend a preference rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

(h) *Provisions applicable to extensions; deferment and grouping.* No matter what any applicable preference rating order or certificate may say,

(1) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it;

(2) When a person has two or more ratings of the same grade which were assigned by different preference rating certificates or orders he may combine them and extend them to one delivery; and

(3) When a person has two or more ratings of different grades, or where they were assigned by the same or different certificates or orders, he may extend them to deliveries under one purchase order. However, the purchase order must show the amount of each material

to which a particular grade of rating is extended. If the type and quantity of the material is such that the supplier can readily determine the exact effect of the extension of the rating on his production and delivery schedule from percentage figures alone, then the purchase order may show the amount of the material to which the particular grade of rating is extended on a percentage basis; otherwise, it must be shown as a separate item. In order to avoid production or delivery of material in quantities smaller than the minimum commercially practicable a person may combine ratings of different grades and extend the rating of the lowest grade to the total production or delivery.

(1) *Restrictions in other orders.* When any person applies or extends a rating he shall be subject to any applicable rule or restriction which may be set forth in the order of the Civilian Production Administration which assigns the rating or any other order which regulates transactions in the material or the facilities for which he is using the rating. This includes restrictions as to the kind and amount of material to which ratings may be applied or extended, requirements for written approval of any particular transaction, restrictions on certain uses of material or facilities and any other rules which may be applicable to the particular transaction. However, the rules of paragraph (g) (6) apply unless some other order or certificate expressly says that they do not.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The following items may be delivered without regard to any Civilian Production Administration preference ratings:

- Automobiles, passenger.
- Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry.
 - a. Antioxidants (gum inhibitors) for motor fuels.
 - b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.
 - c. Chemical additives and compound bases for hypoid gear oils.
 - d. Synthetic catalysts for oil cracking operation.
 - e. Synthetic catalysts for cumene and co-dimer manufacture.
 - f. Synthetic catalysts for petroleum isomerization operations.
 - g. Synthetic catalysts for petroleum sweetening operations.
- Coal.
- Coke.
- Communications services.
- Electric energy.
- Gas manufactured combustible, of the type generally distributed by utilities.
- Gas, natural.
- Lead.
- Petroleum, including only the following products:
 - (1) Liquefied petroleum gas: propane, propylene, butanes, butenes, or any combination or dilution thereof commonly known as liquefied petroleum gas.

(2) Aviation gasoline: any liquid fuel (including components thereof), except Diesel fuel, used for aircraft propulsion which meets current provisional or permanent United States Army or Navy specifications for aircraft fuels.

(3) Motor fuel: any liquid fuel (including components thereof) suitable for use in the propulsion of motor vehicles or motor boats.

(4) Naphtha: any liquid petroleum fraction or derivative commonly known as naphtha, including that cut of gasoline or kerosene classified as naphtha: *Provided*, That the term naphtha shall not include any toluene fraction of Kauri-butanol value of 85 Kauri-butanol number or higher, or any aromatic petroleum solvent, as defined in General Preference Order M-150, as amended.

(5) Insecticide base: any liquid petroleum fraction or derivative used as or suitable for use as a base or carrier for the active chemical ingredients of an insecticide, germicide or deodorant.

(6) Fuel oil: any liquid petroleum fraction or derivative commonly known as fuel oil, including grades No. 1, 2, 3, 4, 5, or 6, Bunker "C" fuel oil, Diesel fuel, kerosene, range oil, gas, oil and any other liquid petroleum product used for the same purpose as the above designated grades.

(7) Lubricating oil: any liquid petroleum fraction or derivative regardless of the extent processed, (1) which is used for or is suitable for lubrication, including, but not limited to, cutting, drawing, processing, soluble, transformer and white oils, and (2) which does not contain in excess of 50% by weight of additives or compounds.

(8) Lubricating grease: any lubricant manufactured from petroleum and a soap, organic salt or ester of any fatty oil or fatty acid.

(9) Asphalt: asphalt of petroleum origin and all asphaltic products of petroleum origin, including road oils.

(10) Micro-crystalline wax: any solid hydrocarbon mixture, commonly known as micro-crystalline wax (amorphous wax, petroleum wax) but not including paraffin wax defined as a solid hydro-carbon mixture having a melting point between 110° F. to 155° F. (ASTM-D-87) and a maximum kinematic viscosity of 5.74 centistokes at 210° F (ASTM-D445-42T), wholly derived by low temperature solidification and expression, or by solvent extraction, from that portion of crude petroleum known as paraffin distillate.

(11) Petrolatum: any semi-solid hydrocarbon mixture, plastic and unctuous, commonly known as petrolatum or petroleum jelly, regardless of the extent processed.

(12) Mineral oil polymers: any resinous product produced by the polymerization of mixtures of unsaturated hydrocarbons (either the solid resin or solvent extended product); but not including polystyrene, polyisobutylene, polyethylene, butadiene, or the copolymers of such materials.

- Steam heating, central.
- Ice.
- Tobaccos.¹
- Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible and including their by-products and residues (whether resulting from refining, distillation saponification, pressing or settling).¹
- Sulfated, sulfonated, and sulfurized fats and oils.
- Tall oil.¹
- Wool grease.¹
- Soap (other than metallic).¹
- Fatty acids.¹
- Food for human or animal consumption.¹
- Glycerine.¹
- Water.

¹ Subject to War Food Order 71 (formerly FD Regulation No. 1) of the War Food Administration.

Low and high temperature fractional distillation equipment for gas and gasoline analysis.

Wood pulp.

List B: Deleted Oct. 1, 1945.

INTERPRETATION 1

Interpretation 1 of Priorities Regulation 3 [Revoked Nov. 17, 1943.]

INTERPRETATION 2

EFFECT OF LIST A ON UNFILLED ORDERS

The restrictions on the use of ratings for the items on List A apply to orders for such items which had been placed before the date the item was put on the list but were not yet filled. (Issued Oct. 1, 1945.)

INTERPRETATION 3: Revoked Oct. 1, 1945.

INTERPRETATION 4: Revoked Oct. 1, 1945.

INTERPRETATION 5

RESTRICTIONS OF OTHER ORDERS

(a) *Restrictions of other orders on use of ratings or delivery.* The provisions of paragraph (e) relate only to the items which appear on the list. When any other order of the Civilian Production Administration restricts the use of preference ratings to obtain any product or restricts delivery of a product in any way, those restrictions are applicable even though that product is not listed in Priorities Regulation 3 (§ 944.23).

(b) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 6

EFFECT OF PREFERENCE RATING CERTIFICATE REFERRING TO PRODUCT OF A PARTICULAR MANUFACTURER

(a) When a preference rating certificate in assigning a rating to a product describes the product by its trade name or by the manufacturer's name and catalogue number, the rating may ordinarily be used to get the product from any manufacturer if the model actually obtained is substantially identical in size, operation and function with that named in the certificate.

(b) The rule stated in the preceding paragraph is consistent with the statement in paragraph (c) (2) of Priorities Regulation 3 (§ 944.23), that a preference rating may be applied only to the specific quantities and kinds of material authorized. Ordinarily a reference in a preference rating certificate to a particular product of a particular manufacturer is no more than a shorthand way of describing the product. It is safe to assume, unless the certificate clearly states otherwise that what is being rated is a certain kind and size of product which may be obtained from any manufacturer who makes that kind and size. If it is intended to confine the rating to a particular product of a particular manufacturer, the certificate should say so explicitly. (Issued Sept. 8, 1943.)

INTERPRETATION 7: Revoked Oct. 1, 1945.

INTERPRETATION 8: Revoked Oct. 1, 1945.

INTERPRETATION 9: Revoked Oct. 1, 1945.

INTERPRETATION 10

USE OF RATING TO OBTAIN LEASED MACHINERY

(a) A preference rating which has been assigned for the delivery of an item of machinery or equipment may be used to lease the equipment as long as the following conditions are fulfilled:

(1) The lease must be a long-term semi-permanent arrangement where both parties contemplate the comparatively permanent installation of the machine or equipment. For instance, a rating could be used to obtain a machine under lease where the lease was for one year, with provision for renewal

at the end of each year, and both parties expected that the lease would be renewed from time to time. However, the rating could not be used to obtain a machine for a month's use.

(2) If the rating is limited by specific dollar amount it may be used only to lease machinery or equipment whose fair market value is no greater than the amount specified.

(b) If the instrument assigning the ratings specifies a lease rather than a purchase, it is not necessary to comply with the above conditions. (Issued Oct. 1, 1945.)

INTERPRETATION 11: Revoked Oct. 1, 1945.

INTERPRETATION 12

RECORDS OF EXPORTERS

Paragraph (g) (5) of Priorities Regulation No. 3 requires each person who applies or extends a rating to keep all documents including preference rating orders and certificates which authorize him to apply or extend the rating at his regular place of business. The Foreign Economic Administration and its predecessors, the Board of Economic Warfare and the Office of Economic Warfare, have assigned preference ratings to exporters for export by endorsing appropriate legends upon export licenses. The original of every export license, however, is required by other government regulations to be surrendered to export officials at the time of shipment. Consequently, persons who receive their assignments of preference ratings on export licenses are not in a position to retain the original of the export license and thus are not required to do so by paragraph (g) (5) except only in those cases where other government regulations do not require the surrender to the government of the documents referred to. However, such persons must keep any copies of the export licenses which are returned to them for their files. (Issued August 24, 1945.)

INTERPRETATION 13

TIME LIMIT ON USE OF RATINGS

(a) Preference ratings may not be extended to replace material in inventory after three months from the time delivery was made to the customer. This is the rule of paragraph (h) (1) of the regulation.

When a rating is being applied or when a rating is extended for some purpose other than to replace inventory, this may be done only within a reasonable time after the rating was received. Generally speaking, more than three months is deemed to be an unreasonable delay in the use of a rating. In a particular case there may be circumstances which make a reasonable time shorter or longer than three months. For example,

(1) [Deleted Oct. 1, 1945.]

(2) A rating assigned in connection with an export license may be applied as long as the license is valid and expires when the license expires or is revoked. (For explanation of this rule see Interpretation 2, Directive 27.)

(3) When a rating is applied to a long term contract (such as the construction of a ship) it may be extended for material needed to fill the contract, even though more than three months have elapsed.

(4) If the purpose for which the rating was assigned no longer exists, the rating may not be applied even though three months have not elapsed.

(5) When a rating is extended by a person to get material to deliver to his customer, or to incorporate in such material, the time within which it may be done will, in general, be controlled by the delivery date on his customer's order.

(b) The fact that a person has not been able to get his rated order accepted by a supplier does not lengthen the time within which he may apply or extend his rating. However, a rating properly applied or ex-

tended on an order served upon a supplier within the time limit of the above rules, but not accepted by him, remains valid with that supplier where the failure to accept the rated order was a violation of a CPA regulation or order. This does not permit the rating to be used on any other purchase orders not placed within the proper time limit.

(c) The periods of time stated in (a) above for the use of ratings do not mean that deliveries on rated orders must be made within those periods. The delivery dates which may be requested are controlled by § 944.8 of Priorities Regulation 1, and any other applicable limitations, such as those in Priorities Regulation 33 controlling inventories. The rules for scheduling and making deliveries on rated orders are in Priorities Regulation 1 and other applicable orders or regulations. All validly rated orders must be scheduled and filled under those rules, unless the orders or ratings are cancelled. (Issued Dec. 13, 1946.)

INTERPRETATION 14: Revoked Apr. 23, 1945.

INTERPRETATION 15

REFERENCES IN LIST A TO ORDERS WHICH HAVE BEEN REVOKED

In many items on List A of Priorities Regulation 3 reference is made to specific WPB orders or schedules for a definition of the specific items covered by the lists. Sometimes the order or schedule referred to is revoked without any change in the listing on List A. When one of these orders or schedules is revoked, the listing of the item on List A, nevertheless, remains in full force and effect, and the item as listed on List A has the same meaning as before the revocation of the order. (Issued Oct. 1, 1945.)

[F. R. Doc. 47-2097; Filed, Mar. 4, 1947; 11:27 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 35]

REVISED PRIORITIES RATING SYSTEM

Explanation and scope

- (a) Explanation.
 - (b) Ratings valid after March 1947.
 - (1) Certain ratings remain valid.
 - (2) Ratings which expire (some may be re-rated).
 - (3) New RR and RRR ratings effective at once.
 - (c) General description of revised rating system.
 - (1) RRR for extreme emergencies only.
 - (2) RR for VEHP and V. A. construction program.
 - (3) RR equivalent to CC, and RRR to AAA.
 - (d) When and how certain old ratings may be converted to a new rating.
 - (1) Producers of building products listed in PR-28, Table 1.
 - (2) No AAA may be converted to RRR by holder.
 - (3) Other persons not authorized to re-rate.
 - (4) How to apply for and use a new rating to replace an old one.
 - (5) New ratings date back to former one.
 - (e) Transition period.
 - (1) CC and other ratings may still be issued through March.
 - (2) Extendibility not affected while ratings remain effective.
 - (3) All old ratings unaffected through March.
 - (4) Certain old ratings to be disregarded after March.
 - (5) Notice of expiration need not be given by customer.
 - (f) Reports.

List A—List of "Construction Items".

List B—"Steel Items".

§ 944.56 Priorities Regulation 35—

(a) *Explanation.* In furtherance of the announced policy of restoring normal buyer-seller relations as soon as possible, the rating assistance which will be given after the end of March 1947 will be even more limited than that now provided. As explained in Supplement I of Priorities Regulation 28 (being issued simultaneously with this regulation), after that time priorities assistance will in general be given only in a very limited class of cases which support the objectives of the Veterans Emergency Housing Program.

Preference ratings, issued by CPA and by other government agencies, have assisted not only housing but top military programs and general industrial reconversion. After March 31, rating assistance will be given, in general, only in support of the housing program, and to aid the Veterans Administration Construction Program, and the ratings that were issued for other reasons will expire. This will be done with the minimum dislocation: for example, it will not be necessary to disturb the ratings outstanding for the purchase of building materials or building products on Schedule A or Priorities Regulation 33 since these ratings (mostly HH) are directly related to the housing program. However, the rating symbols AAA, MM, and CC have been used for other materials for both housing and other purposes. Where necessary in order to identify those ratings for other materials, which will be used and continue in effect in support of the housing program after the end of March, new symbols will be assigned.

This regulation explains which outstanding ratings remain valid after March and which ratings will expire at the end of March. It also explains the new rating symbols and their effect, and the mechanics of the transition for the few cases where the holder of an old rating may be permitted to change to the new.

This regulation applies to preference ratings only. It does not affect any other priorities or allocation instruments.

There will also be changes in other regulations and orders of the Civilian Production Administration. It may not be practical to make all such changes before this regulation is published, and if there is any inconsistency between this regulation and any other CPA regulation or order, this one controls unless the other expressly states the contrary.

(b) *Ratings valid after March, 1947.*

(1) Valid HHH and HH ratings are not affected in any way by this regulation. Valid AAA, MM, and CC ratings issued for the purchase of any building materials or products listed in Schedule A of Priorities Regulation 33 are not revoked and remain in effect in accordance with the rules under which they were issued, except that they may not be used and will not be effective for the purchase of steel for delivery after March 31, 1947. A list of the materials and products, as listed in Schedule A of PR-33, referred to

hereafter in this regulation as "construction items", is appended as List A for convenient reference, and the forms and shapes of steel are shown in List B.

(2) At the end of March 1947 all AAA, MM, and CC ratings for any material or product, other than a construction item, shall expire. However, certain of these may be re-rated with one of the new ratings under the procedures described in paragraph (d) below.

(3) The new RR and RRR ratings described in (c) below will be effective during March 1947 and thereafter, for any materials for which issued. The purposes for which they will be issued will of course be limited, as explained in this regulation and in Supplement I to Priorities Regulation 28.

(c) *General description of revised rating system.* AAA, MM, and CC ratings will not be issued after March 31, 1947, and except for those continued in effect under paragraph (b) (1) above for the purchase of construction items, will be replaced by the following:

(1) The new RRR rating, which may be assigned by CPA only in extreme emergencies, and where an RR rating would be inadequate.

(2) The new RR rating, which may be assigned by CPA after March 1, 1947, under the conditions stated in Supplement I to Priorities Regulation 28; or which in some cases may be converted from an old rating by the persons and under the conditions described in subparagraph (d) (1) below.

(3) The new RR rating is equivalent to CC, and the new RRR rating is equivalent to AAA, under the rules stated in Priorities Regulation 1, 3 and other general priorities regulations.

(d) *When and how certain old ratings may be converted to a new rating.* (1) Any producer who has been assigned and is entitled to use an AAA, MM or CC rating to get any item needed to maintain or increase his production of a critical building product listed in Table 1 of Priorities Regulation 28, may rate or re-rate to RR his purchase order for such item (except for steel) if still needed for this purpose. This must be done by furnishing the supplier the following statement, in time for him to receive it by the end of March, 1947: "Authorized RR rating under PR-35".

This statement must be made in addition to the certificate required by Priorities Regulation 3, and may not be waived by the seller. Persons giving the statement must use the material covered by it only as stated, and it will constitute a representation to the seller and to CPA that the buyer is entitled to rate or re-rate the purchase order to RR under the terms of this subparagraph (d) (1).

If the purchase order has already been placed, so that the statement cannot be put on it, the purchaser may give the statement to his supplier by letter or telegram, with the addition of sufficient information to clearly identify the previously placed order, and the exact materials covered by the statement.

A supplier who receives this statement may extend the RR rating only in accordance with the rules in Priorities Reg-

ulation 3 governing the extension of RR ratings.

(2) No AAA rating may be re-rated RRR by use of the statement described above. A person wishing an AAA rating to be re-rated RRR must apply to CPA.

(3) A person entitled to use an AAA, MM, and CC rating which will expire at the end of March, and who is not permitted to re-rate his order with the certificate described above, may apply to CPA for a new rating, if he can meet the conditions stated in Supplement I to PR-28.

(4) Applications to CPA for a new RR rating to replace a CC rating may be made on Form CPA-541-A by marking it "Re-rating Request PR-35", stating the previous case number and date of issuance of the old rating certificate. A request for re-rating of an MM or AAA preference rating may be made to CPA by letter or telegram, marked "Ref. PR-35", and identifying the previous case. In either instance explain fully why a re-rating is necessary in support of the housing program or the Veterans' Administration Construction Program. If a new rating is granted, it may be used by forwarding the rating certificate required by PR-3, to the supplier together with any additional information needed to enable the person receiving it to know exactly the items re-rated, the old and new rating, and the original purchase order referred to.

(5) Any rated order which is re-rated RR or RRR before April 1, 1947 shall be treated by the person with whom the order was placed as if it had carried the new rating at the time the original rated order was received by him. In view of the expiration of many ratings at the end of March, persons entitled to use an RR or RRR rating may be able to get earlier delivery after that time than possible before the expiration of the old ratings.

(e) *Transition period.* (1) Until March 31, 1947, CPA may continue to issue CC ratings under the conditions stated in PR-28. AAA ratings may continue to be assigned until that time under existing procedures. Beginning April 1, 1947, no new AAA, MM, or CC ratings will be issued by CPA for any purpose.

(2) Those ratings which remain in effect until the end of March may continue to be extended until that date, in accordance with Priorities Regulation 3 and other applicable rules.

(3) All orders rated AAA, MM, or CC which do not meet the conditions of (b) (1) above will become unrated at the end of March 1947, unless re-rated to RR or RRR during March. However, all outstanding ratings are unaffected during March, and suppliers must continue to accept and fill such orders in accordance with Priorities Regulation 1 and other applicable rules.

(4) Any unfilled purchase order with an AAA, MM, or CC rating for the delivery of any material except construction items, which is in the hands of a supplier and has not been re-rated RR or RRR by the end of March 1947, shall be treated by him as unrated after that date. This includes ratings on orders

which were originally accepted and scheduled for delivery by the end of March, but which, due to circumstances beyond the supplier's control, are delayed beyond that date in delivery.

(5) It is not necessary for any person to cancel a rating which has been applied or extended to his purchase order if the rating expires at the end of March under the terms of this regulation.

(f) *Reports.* The reporting requirements of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

CONSTRUCTION ITEMS

This lists the same materials and facilities in Schedule A to Priorities Regulation 33, paragraph (b), as amended from time to time. It is appended here for convenience only, and if there should be any inconsistency, Schedule A to PR-33 shall be controlling.

A. Lumber Materials

1. Flooring, hardwood (all grades).
2. Lumber, housing construction (softwood—flooring, ceiling, siding partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, lath and shop).
3. Millwork.
4. Plywood, construction (softwood) (Interior (moisture resistant): $\frac{1}{4}$ " and $\frac{3}{8}$ " sanded or $\frac{1}{16}$ " and $\frac{1}{8}$ " unsanded wallboard; $\frac{1}{4}$ " and $\frac{3}{8}$ " sanded or $\frac{1}{16}$ " and $\frac{1}{8}$ " unsanded sound one side plypanel; $\frac{5}{16}$ ", $\frac{3}{16}$ ", $\frac{1}{2}$ " and $\frac{5}{8}$ " sheathing; and Exterior: $\frac{1}{4}$ " and $\frac{3}{8}$ " sanded or $\frac{1}{16}$ " and $\frac{1}{8}$ " unsanded sound one side plypanel).

B. Electrical Wiring Materials

1. Cable, metallic or nonmetallic sheathed.
2. Lighting fixtures, not including portable lamps.
3. Raceways (including rigid and flexible conduit, thin-wall metallic tubing, surface metal raceways) and fittings.
4. Service entrance equipment (of the following kinds only): (a) Fuse cut-outs; (b) meter pans; (c) panel-boards; (d) service switches).
5. Wiring devices (of the following kinds only): (a) Sockets, lampholders, and lamp receptacles—medium screw base types; (b) convenience receptacles (outlets); (c) toggle switches; (d) wall and face plates; (e) outlet, switch and receptacle boxes—covers, hangers, supports, and clamps included; (f) box connectors for metallic or nonmetallic sheathed cable).

C. Hardware Materials

1. Builders hardware (of the following types only): (a) Butts, hinges, hasps; (b) door locks, lock trim; (c) sash, screen, and shelf hardware; (d) night latches, dead locks; (e) spring hinges; (f) sash balances, sash pulleys).
2. Nails (ferrous, of the following kinds only: Wire and cut nails 2d to 20d, inclusive; nails and brads smaller than 2d but suitable for roofing, siding, lath, or millwork). This does not include 2d to 10d cement and bright box nails.

D. Masonry Materials

1. Brick, common and face, clay.
2. Brick, sand lime.
3. Concrete block and brick.

4. Cement, portland, (all types, including high early strength, limestone, slag, and sulfate resistant).

5. Tile, common and face, structural.

E. Plumbing and Heating Supplies

1. Bathtubs (steel, cast iron).
2. Boilers, low pressure, for heating and hot water.
3. Controls, temperature and combustion, for heating and hot water.
4. Fittings and trim (brass tubular goods included) for bathtubs, kitchen sinks, lavatories, and waterclosets.
5. Furnace pipes, fittings, and duct work.
6. Furnaces, floor, wall.
7. Furnaces, warm air (forced or gravity circulation types of the following kinds only: (a) Gas-fired—rated input 110,000 or less B. T. U. per hour; (b) oil-fired—rated output 100,000 or less B. T. U. per hour; (c) coal-fired—grate not larger than either 2.64 sq. ft. in area or 22" in diameter).
8. Kitchen sinks and undersink cabinets. (This includes sinks and sink-and-tray combinations, undersink cabinets with or without sinks, and any fixture containing a kitchen sink.)
9. Lavatories.
10. Oil burners, domestic.
11. Pipe, bituminized fibre, for drains and sewers.
12. Pipe, sewer, clay.
13. Pipe, soil, cast iron, and fittings for such pipe.
14. Pipe, steel and wrought iron, black and galvanized, sizes $\frac{3}{8}$ " to 4" inclusive, standard weight.
15. Pipe fittings, screwed (of the following kinds only: (a) Gray cast recessed drainage, 2" and under; (b) gray cast steam fittings, 3" and under (125 lbs. S. W. P.); (c) malleable fittings, including unions, 2" and under (150 lbs. S. W. P.)).
16. Pipe nipples, steel and wrought iron, black and galvanized, sizes $\frac{3}{8}$ " to 4" inclusive, in lengths 6" and less, made from standard weight pipe.
17. Radiation, convector and cast iron, including accompanying metal enclosures and grilles.
18. Range boilers.
19. Registers and grilles for heating systems.
20. Stokers, domestic.
21. Stoves and ranges for cooking and heating, including space heaters.
22. Tanks, septic.
23. Tanks, oil and water storage, capacity 550 gallons or less.
24. Tubing, copper—types K, L, M—sizes $\frac{3}{8}$ " to 3" inclusive.
25. Tubing, fittings (for copper tubing as defined above), pressure (solder and flare) and drainage (solder).
26. Water closets (1-piece combinations; and bowls and tanks, separately or in combination).
27. Water heaters.

F. Prefabricated Housing

1. Prefabricated houses, sections, and panels (as defined in Direction 8 to PR-33).

G. Structural Materials (Metal)

1. Doors and frames, hollow metal and kalamain.
2. Fabricated reinforcing rod and mesh.
3. Joists, bar, steel.
4. Structural shapes, steel and aluminum, fabricated or cut to length.
5. Window sash and frames, metal (of the following types only: casements; double hung windows; basement windows).

H. Wall and Roof Materials

1. Asbestos-cement flat sheets, $\frac{1}{4}$ " thick or less. This does not include electrical and insulation grades.

2. Building board (products made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock, produced for use in building construction, and commonly described as structural insulation board, sheathing, lath, tile board, plank, thin board or laminated fibre tile board). This does not include the following: acoustical tile, asbestos-cement faced insulation board, mineral surfaced insulation board, roof insulation, and products commonly described as "hard board".

3. Gypsum board (products made from gypsum and commonly described as wall board, wide board, laminated board). This does not include precast reinforced gypsum roof plank.

4. Gypsum lath (gypsum products especially made for use as a plaster base).

5. Lime, finishing.

6. Papers, building and sheathing (of the following kinds only: (a) Asphalt sheathing paper; (b) laminated papers, consisting of two or more plies of paper cemented together with asphalt; (c) metal foil, designed for building use and consisting of one or more layers of metal foil laminated with one or more layers of paper; (d) rosin-sized, red rosin, and house sheathing paper); (e) slaters felt weighing approximately 25 lbs. per 500 square-foot roll.

7. Plaster, hardwall (gypsum plaster-basic, ready-mixed and gauging-made for use in applying base or finish coats to lathed interior walls).

8. Plaster base (metal lath and accessories for metal lath).

9. Sheet, copper.

10. Sheet, flat galvanized steel, 23 gauge or lighter.

11. Shingles (asbestos-cement, asphalt, slate, wood).

12. Stucco mesh (woven or welded wire).

I. Miscellaneous Building Materials

1. Cabinets, metal, attachable or built-in types for kitchens or bathrooms.

2. Floor coverings (of the following types only: (a) Felt-base; (b) linoleum (up to battleship grade); (c) mastic; (d) asphalt tile; (e) rubber tile).

3. Gutters and downspouts.

4. Insect screen cloth, metal or plastic.

5. Lead, caulking.

6. Paints, house, exterior—ready mixed, paste, semi-paste, and lead-in-oil. This is limited to primers; under-coats, finish coats, and stucco and cement paints only. It does not include such paints as trim colors, porch and deck paints and exterior enamels. This is also limited to lead-in-oil in 12½-lb. and larger containers and to the other paints in 1-gal. and larger containers.

7. Weatherstripping, metal.

LIST B

FORMS AND SHAPES OF STEEL

Steel:

- Bars, Cold-Finished.
- Bars, Hot-Rolled or Forged.
- Ingots, Billets, Blooms, Slabs, Die Blocks, Tube Rounds, Sheet Bars, Tin Bar, and Skelp.
- Pipe, including Threaded Couplings of the type normally supplied for Threaded Pipe.
- Plates, all Plates (including Rolled Armored Plate in the form and shape to which it is rolled by the Steel Mill and prior to any subsequent fabrication), and including Nickel Clad and Stainless Clad.
- Rail and Track Accessories.
- Sheet and Strip.
- Steel Castings (rough as cast).
- Steel Forgings (rough as forged).
- Structural Shapes and Piling.

LIST B—Continued

FORMS AND SHAPES OF STEEL—continued

Steel—Continued.

- Tinplate, Terneplate, and Tin Mill Black Plate.
- Tubing.
- Wheels, Tires, and Axles.
- Wire Rods, Wire and Wire Products.

[F. R. Doc. 47-2094; Filed, Mar. 4, 1947; 11:27 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Table I]

CRITICAL BUILDING PRODUCTS

The following table is issued pursuant to Priorities Regulation 28:

(a) *Introduction.* Priorities Regulation 28 provides for assistance to maintain or increase production of building materials or products which are determined to be in critical short supply.

This table lists the building products which the Civilian Production Administration has determined to be in such tight supply that they are serious threats to the Housing Program. Preference ratings assigned by CPA under this provision will, in general, be limited to assistance needed by producers or manufacturers to maintain or increase their production of the products listed. The extent of the rating assistance available is indicated in this Table.

(b) *General rules.* (1) Ratings may be assigned to a person producing an item listed in Column I to get maintenance, repair and operating supplies (MRO) which he needs for the production of that item.

(2) The list of building products in Column I includes only residential types of the items mentioned.

(3) No rating will be issued for steel for delivery after March 31, 1947.

(c) *Explanation of table.*

Column I—Critical Building Products. Column I lists the building materials or products determined critical for which ratings may be granted to maintain or increase production.

Column II—Production Materials. If the word "yes" appears in Column II ratings may be assigned to the person producing the item listed in Column I to get production materials needed to make that item. Where the applicant regularly sells materials as maintenance, repair or operating supplies for the items he makes, ratings may also be assigned to him for such supplies or for materials needed to make them.

Column III—Capital Equipment. (1) If the word "yes" appears in Column III, ratings may be assigned to the person producing the item listed in Column I to get capital equipment which will result in a substantial increase in production of that item or is needed to replace present operating equipment. Ratings, however, will not be assigned for the purchase of specialized machinery or equipment designed and made solely for the production of a critical building product listed in Column I.

(2) If the word "yes" is followed by "replacement only" ratings will be assigned only to replace non-repairable or obsolete capital equipment with new equipment of the same approximate rated capacity for the purpose of maintaining production, but not to provide for new or expanded production.

Critical building products (of residential types only)	Production materials	Capital equipment (except specialized machinery)
Asbestos-cement siding shingles and flat sheets (products made from asbestos fibres and cement).	No....	Yes.
Asphalt and tarred roofing products (smooth surfaced roll roofing, strip and individual asphalt shingles, mineral surfaced insulation board, laminated asphalt felt and mastic core type boards, saturated felts, dry roofing felts, and saturated or coated sheathing papers).	No....	Yes.
Bathtubs.....	Yes....	Yes.
Boilers, low pressure for residential heating.	Yes....	Yes. ¹
Builders' hardware, of the following kinds only: (a) Butts, hinges and hasps; (b) Door locks and lock trim; (c) Lash, screen and shelf hardware; (d) Night latches and deadlocks; (e) Spring hinges; (f) Sash balances and sash pulleys.	Yes....	Yes. ¹
Building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock).	No....	Yes.
Cast iron soil pipe and fittings.....	Yes....	Yes.
Cast iron pressure pipe.....	Yes....	Yes. ¹
Cement, portland.....	No....	Yes. ¹
Clay sewer pipe and fittings.....	No....	Yes.
Electric service equipment and branch circuit overload protective devices of the following kinds suitable for housing construction: (a) Service switches—limited to 100 amperes capacity or less; (b) Meter mounting devices, such as meter pans, meter sockets, meter troughs and meter boxes; (c) Enclosures for branch circuit overload protective devices limited to 8 circuits or less.	Yes....	Yes. ¹
Finishing Lime.....	No....	Yes.
Furnace pipe-fittings and duct work.....	Yes....	Yes. ¹
Furnaces, warm air, (including floor and wall furnaces) gas, oil or coal fired only.	Yes....	Yes. ¹
Gypsum board and gypsum lath.....	No....	Yes.
Insect screen cloth.....	Yes....	Yes. ¹
Lavatories.....	Yes....	Yes.
Logs.....	No....	Yes.
Lumber, not further manufactured than by sawing, resawing, passing lengthwise through a standard planing machine, cross-cutting to length and working, but not including the production of any establishment known in the trade as a "distribution yard", engaged in either retail or wholesale business, even though it may process lumber on special orders from customers.	No....	Yes.
Millwork.....	No....	Yes. ¹
Plywood, softwood.....	No....	Yes.
Radiation (Convectors and cast iron) including enclosures and grilles for extended surface convectors.	Yes....	Yes. ¹
Registers and grilles for heating systems.	Yes....	Yes. ¹
Veneer, softwood.....	No....	Yes.
Water closet bowls and tanks.....	Yes....	Yes.
Windows and frames, metal.....	Yes....	Yes.
Wiring devices (electrical) of the following kinds only: (1) Sockets, lampholders, and lamp receptacles—medium screw base types—lighting fixtures and portable lamps not included. (A lampholder consists of a socket and a housing (generally one piece) which attaches directly to a ceiling or wall outlet, without intervening suspending or protruding devices. It may be designed so that shades and other similar appurtenances may be attached, but, in that event the appurtenances are not part of the lampholder itself); (2) Convenience receptacles (outlets); (3) Toggle switches—types designed specifically for tools and appliances not included; (4) Wall and face plates; (5) Outlet and switch (or receptacle) boxes, types suitable for residential use, including covers, hangers, supports and clamps. This only includes outlet boxes of 5-inch size or smaller, and switch (or receptacle) boxes commonly known as "gem" boxes; (6) Box connectors for residential-type metallic or non-metallic sheathed cable.	Yes. ¹	Yes.

¹ Replacement only.
² Except phenolic resin molding compound; see Schedule 121 to Order M-300.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2095; Filed, Mar. 4, 1947;
11:27 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Supp. I]

PRIORITIES ASSISTANCE AFTER MARCH 31, 1947

(a) *Purpose of this supplement.* This supplement describes the conditions under which RR preference ratings may be granted by the Civilian Production Administration. The issuance of CC ratings will be discontinued by the end of March 1947, as explained in Priorities Regulation 35 being issued simultaneously with this supplement.

In furtherance of the announced policy of restoring normal buyer-seller relations as soon as possible, the rating assistance which will be given after the end of March will be even more limited than that now provided for in Priorities Regulation 28.

After that time, such assistance will in general be given only in three classes of cases in support of the objectives of the Veterans Emergency Housing Program and to aid the Veterans Administration Construction Program, as indicated in paragraph (b) below.

(b) *Exceptional cases when RR ratings may be assigned.* (1) Where an item (other than those listed in (c) below) is required in connection with the Veterans Emergency Housing Program or Veterans Administration Construction Program and all of the conditions of paragraph (b) (2) below are met, RR ratings may be granted in the following cases (except that no rating will be issued under (i) or (ii) below for the purchase of specialized machinery, site preparation equipment, or for an item to be incorporated in construction at the site):

(i) To maintain or increase the production of a building product which is determined by CPA to be in critically short supply (such products will customarily be listed in Table I of Priorities Regulation 28); or

(ii) For capital equipment which is a bottleneck in the production or erection of new housing accommodations, or is a bottleneck in the erection of a Veterans Administration Construction Project; or

(iii) Where an item is needed to provide essential utility services to new housing accommodations, or to a Veterans Administration Construction Project.

(2) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without ratings), an RR rating may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without a rating; and

(iii) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(c) *Materials for which informal assistance, but not RR ratings, may be given.* No RR ratings will be assigned under the regulation for steel, pig iron, gypsum liner paper, or phenolic resin molding compounds.

CPA may be able to locate sources in a position to ship such materials without a rating for any applicant who meets the conditions in paragraph (b) above.

(d) *Applications and authorizations.* Applications for a rating under this supplement should be made in accordance with paragraph (c) of Priorities Regulation 28.

Where applications have been or are filed under Priorities Regulation 28, but meet the more restrictive conditions stated in this supplement, RR ratings may be issued beginning immediately, instead of CC ratings. Applications filed under Priorities Regulation 28, but not meeting the conditions stated in this supplement will be considered under that regulation, even though any CC rating which may be issued may expire at the end of March, as explained in Priorities Regulation 35. After March, no further CC ratings will be issued.

(e) *Existing CC ratings.* Nothing in this supplement affects the validity or duration of CC ratings granted before April 1, 1947. Rules concerning the termination of certain CC and other ratings at the end of March 1947 are stated in Priorities Regulation 35.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2096; Filed, Mar. 4, 1947;
11:27 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1111]

FLOYD GEARHART

Floyd Gearhart, R. D. #3, Indiana, Pa., on or about October 1, 1946, without authorization of the Civilian Production Administration, began and thereafter carried on construction involving the building of a new commercial garage and service station building on North Fourth Street, Indiana, Pa., at an estimated cost of \$7,000. This construction was carried on by Floyd Gearhart subsequent to his denial for permission to do the construction, and with full knowledge of the order, and he, therefore, must be considered guilty of wilfully violating Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1111 *Suspension Order No. S-1111.* (a) Neither Floyd Gearhart, his successors or assigns, nor any other person shall do any further construction on

his premises on North Fourth Street, Indiana, Pa., including completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration, or any other duly authorized Governmental agency.

(b) Floyd Gearhart shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Floyd Gearhart, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2099; Filed, Mar. 4, 1947;
11:28 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 12, Revocation]

PART 8312—ALUMINUM SCRAP

Surplus Property Administration Regulation 12, October 2, 1945, as amended March 23, 1946, entitled "Aluminum Scrap", (10 F. R. 12559; 11 F. R. 3302) is hereby revoked and rescinded. This revocation of this part shall become effective March 1, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

MARCH 1, 1947.

[F. R. Doc. 47-2093; Filed, Mar. 4, 1947;
11:13 a. m.]

TITLE 48—TERRITORIES AND INSULAR POSSESSIONS

Chapter I—Division of Territories and Island Possessions, Department of the Interior

PART 1—ORGANIZATION AND PROCEDURE

ALASKA-SEATTLE SERVICE OFFICE

Section 1.25 of Part 1 of Chapter I (12 F. R. 69) is hereby amended, to read as follows:

§ 1.25 *Alaska-Seattle Service Office.* The Alaska-Seattle Service Office of the Department of the Interior at Seattle, Washington, is under the general supervision of the Division of Territories and Island Possessions. This office is responsible for managing and operating the motorship "North Star"; issues Alaska Railroad passes; obtains foreign-line transportation passes for Government officials and employees; serves the Alaska Native Service in connection with dependent Indian children sent to the States for medical attention; recruits employees for the Alaska Railroad; handles the receipt and distribution of freight for the Alaska Native Service; purchases supplies for agencies of the Federal Government in Alaska; acts as agent for native cooperative stores, buying their supplies, and selling for their benefit such items as reindeer meat and hides, furs and ivories; reviews requests for benefit of settlers' rates and fares to Alaska, and makes settler-rate authorizations when warranted; circulates information on homesteading in Alaska; issues requests-for-transportation to and from Alaska as well as to and from other points, and arranges for transportation, reservations, and hotel-lodging accommodations for employees of the Alaska Native Service, the Alaska Road Commission, and the Alaska Railroad, and for visiting officials; and performs miscellaneous services for Interior agencies operating in Alaska.

(Sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

FEBRUARY 26, 1947.

[F. R. Doc. 47-1972; Filed, Mar. 4, 1947;
8:55 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 25—SOUTHERN REGION NATIONAL WILDLIFE REFUGES

HUNTING IN WHEELER NATIONAL WILDLIFE REFUGE, ALABAMA

Section 25.964 (50 CFR 1943 Supp.) is revised to read as follows:

§ 25.964 *Wheeler National Wildlife Refuge, Alabama; hunting.* Until further notice squirrels, rabbits, and quail may be taken on the lands of the Wheeler National Wildlife Refuge, Alabama, in accordance with the State laws and regulations, and under such special regulations and conditions as may be prescribed by the Officer in Charge of the refuge, copies of which shall be posted on the refuge and available at refuge headquarters.

(43 Stat. 98, 45 Stat. 1222; 18 U. S. C. 145, 16 U. S. C. 715i; sec. 4 (f), Reorg. Plan No. II, 3 CFR, Cum. Supp.)

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 47-1971; Filed, Mar. 4, 1947;
8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 516]

RECORD OF HOURS WORKED BY UNSUPER- VISED EMPLOYEES ENGAGED IN PULPWOOD OPERATIONS

ADMINISTRATOR'S DETERMINATION REGARD- ING PROPOSED AMENDMENT

After due notice published in the FEDERAL REGISTER (11 F. R. 6145, 7779) public hearings were held on June 10, 1946 and on August 1, 1946, before William B. Grogan designated by me for the purpose of receiving evidence and hearing argument with respect to whether a proposed amendment to the record-keeping regulations, Part 516, of this Chapter, relating to recording of hours worked by

unsupervised employees engaged in woods operations on pulpwood, published in the FEDERAL REGISTER on April 19, 1946 (11 F. R. 4343), should be adopted by the Administrator and, if not, whether any alternative amendment concerning the subject matter should be adopted. On November 7, 1946 the presiding officer made his report and recommended that the proposed amendment to the record-keeping regulations should not be adopted.

Notice of opportunity to all interested parties to file with the Administrator written statements in support of or in opposition to the report and recommendation of the presiding officer was published in the FEDERAL REGISTER on December 10, 1946 (11 F. R. 14212). The entire record, including the report and recommendation of the presiding officer, was

made available for examination by interested parties. Pursuant to the notice, statements in support of and in opposition to the report and recommendation were filed with me, and made part of the record.

I have examined the entire record and on the basis of that record have concluded that the adoption of the proposed amendment may lead to confusion and misunderstanding as to its purpose and effect and result in hampering the enforcement of the act. I therefore hereby determine not to amend the record-keeping regulations as proposed.

Signed at New York, New York, this 27th day of February 1947.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 47-1998; Filed, Mar. 4, 1947;
8:56 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8297]

ERNST SPRICK

In re: Bank account and stock owned by Ernst Sprick, F-28-8528-E-1, F-28-8528-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Sprick, whose last known address is Stelle im Luneburgischen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of First State Bank, Healy, Kansas, arising out of a checking account, entitled H. S. Jennison, Agent for Ernst Sprick, a national of Germany, Stelle im Luneburgischen, Germany, Blocked, and any and all rights to demand, enforce and collect the same, and

b. Eight (8) shares of \$100.00 par value common capital stock of First State Bank, Healy, Kansas, a corporation organized under the laws of the State of Kansas, evidenced by certificate number 35, registered in the name of Ernst Sprick, a citizen and national of Germany together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1963; Filed, Mar. 3, 1947; 8:46 a. m.]

[Vesting Order 7756]

WALTER KAHMANN

In re: The undivided one-half interest of Walter Kahmann in, Patent Number 1,965,525.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Walter Kahmann, whose last known address is Wismar, Germany is a resident of Germany and a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Walter Kahmann;

3. That the property described as follows: An undivided one-half interest which stands of record in the United States Patent Office in the name of Walter Kahmann in and to the following United States Letters Patent:

Patent Number, Date of Issue, Inventor and Title

1,965,525; 7-3-34; Ernst Karl Roscher, railway car for transporting passenger carrying automobiles and similar vehicles or articles; including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation, or government for past infringement thereof to which the owner of such one-half interest is entitled,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in

section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on September 26, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 47-2007; Filed, Mar. 4, 1947; 8:46 a. m.]

[Vesting Order 7757]

GEORG HEIDEMANN AND MONTGOMERY
WARD & Co., Inc.

In re: Interests of Georg Heidemann in an agreement with Montgomery Ward & Company, Inc., dated March 18, 1937.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Georg Heidemann, whose last known address is Hoppegarten, near Berlin, Germany, is a resident of Germany and a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Georg Heidemann;

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Georg Heidemann by virtue of an agreement dated March 18, 1937 (including all modifications thereof and supplements thereto, if any) by and between Dr. Otto Bernhard, acting as agent and attorney-in-fact for Georg Heidemann, on the one hand, and Montgomery Ward & Co., Incorporated, on the other, which agreement relates, among other things, to United States Letters Patent Number 1,979,545.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or

in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 26, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 47-2008; Filed, Mar. 4, 1947;
8:46 a. m.]

[Vesting Order 7934]

A. ATMANSPACHER

In re: Trademark Registration No. 264,475, owned by A. Atmanspacher of Ehrenfriedersdorf, Germany.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That A. Atmanspacher is a business organization organized under the laws of, and maintaining its principal place of business in, Germany and is a national of a foreign country (Germany);

2. That the property described as follows:

(a) The trademark registered in the United States Patent Office and the registration thereof identified as follows:

Reg. No., Date, Registrant and Character of Goods

264,475; 11/26/29; A. Atmanspacher, Ehrenfriedersdorf, Saxony, Germany; boots and shoes of leather, rubber or textile material or combinations of these materials;

together with

(b) The good will of the business in the United States and all its possessions to which said trademark is appurtenant,

(c) Any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machines and other equipment),

(d) Any interests of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trademark and registration thereof,

(e) All accrued royalties payable or held with respect to such trademark and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

is property of, or is property payable or held with respect to trademarks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 24, 1946.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-2009; Filed, Mar. 4, 1947;
8:46 a. m.]

[Vesting Order 8080]

HELENE MORGENSTEIN

In re: Real property and property insurance policies owned by Helene Morgenstein, also known as Helene Morgenstern and Helene Morgenstein Colditz.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Morgenstein, also known as Helene Morgenstern and Helene Morgenstein Colditz, whose last known address is Colditz, Sachse, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property, situated in the Town of Darlington, County of Darlington and State of South Carolina, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Helene Morgenstein, also known as Helene Morgenstern and Helene Morgenstein Colditz, in and to Fire Insurance Policy No. 1338, insuring the property described in subparagraph 2-a hereof, issued by the Pacific Fire Insurance Company, New York, New York, in the name of "D. D. Witcover, as Executor of the Will of G. O. Mertz," which policy is in the amount of \$2,200.00, and expires on March 9, 1947, and

All right, title and interest of Helene Morgenstein, also known as Helene Morgenstern and Helene Morgenstein Colditz, in and to Fire Insurance Policy No. OC 735664, insuring the property described in subparagraph 2-a hereof, issued by the Dixie Fire Insurance Company, Greensboro, North Carolina, in the name of "D. D. Witcover, as Executor of the Will of G. O. Mertz" which policy is in the amount of \$1,900.00, and expires on September 7, 1947,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the

aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

EXHIBIT A

All that tract or lot of land lying, being and situate in the Town of Darlington in the County and State aforesaid one and $\frac{1}{100}$ acres more or less and bounded on the northwest by Broad Street, on which street said lot has a front of $91\frac{1}{2}$ ft. more or less, on southwest by lands of M. A. Reeves, on the southeast by a ditch and on the northeast by lands of M. C. Willis and A. W. Welling and has such corners, shapes and distances as is represented on a plat of the same made by Geo. W. Earle, C. E. on 5th of March 1839 and hereunto attached and being Lot marked No. 3 on said plat.

[F. R. Doc. 47-2010; Filed, Mar. 4, 1947;
8:47 a. m.]

[Vesting Order 8162]

GEORGE HANNEMANN AND ANDREAS MUNZINGER

In re: Interests in real property, property insurance policy and claim owned by George Hannemann and Andreas Munzinger.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Hannemann, whose last known address is Biberach, T. R. Waldserstr, Wurtemberg, Germany, and Andreas Munzinger, whose last known address is Wekhof, Post Kupferzelle, c/o Ohrongen, Wurtemberg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided two-fifths interest in real property, situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1, in and to Fire Insurance Policy No. 685079, issued in the name of the Estate of Katie Hannemann, deceased, by Fire Association of Philadelphia, Philadelphia, Pennsylvania, in the amount of \$2,000.00, insuring the premises described in subparagraph 2-a hereof and expiring April 8, 1947, and

c. That certain debt or obligation owing to the persons named in subparagraph 1 by Fred Lutz, 1428 E. Johnson Street, Philadelphia, Pennsylvania, and John Kuhn, Jr., 547 W. Olney Avenue, Philadelphia, Pennsylvania, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

All that certain lot or piece of ground with the two story brick messuage or tenement thereon erected lying and being in the Thirty-eighth Ward of the City of Philadelphia. Situate on the East side of Gratz Street at the distance of One Hundred and sixty-six feet Southward from the South side of Somerset Street. Containing in front or breadth on said Gratz Street Fifteen feet and extending of that width in length or depth Eastward between lines at right angles to the said Gratz Street Forty-eight feet to a certain Four feet wide alley extending Northward to the said Somerset Street.

Together with the free and common use right liberty and privilege of the aforesaid alley as and for a passage way and water course at all times hereafter forever.

[F. R. Doc. 47-2011; Filed, Mar. 4, 1947; 8:47 a. m.]

[Vesting Order 8163]

ANTON MICHEL

In re: Interest in real property and claim owned by Anton Michel.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton Michel, whose last known address is Dragos Uoda No. 40, in Temesvar Mehala, Rumania, is a resident of Rumania and a national of a designated enemy country (Rumania);

2. That the property described as follows:

a. An undivided one-half interest in real property, situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. That certain debt or other obligation owing to Anton Michel, by George Preisack, 4634 Oldenburg Avenue, St. Louis, Missouri, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Rumania);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof,

subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Property situated on the east side of Etting Street, at a distance of 162' northward from the north side of Flora Street, in the 29th Ward of the City of Philadelphia, State of Pennsylvania, containing in front or breadth at the said Etting Street 13' 6" and extending eastward of that width between lines at right angles to said Etting Street, 37' to a certain 3' wide alley, leading from Flora Street to Stiles Street, known and numbered as 1225 North Etting Street.

[F. R. Doc. 47-2012; Filed, Mar. 4, 1947; 8:47 a. m.]

[Vesting Order 8164]

AMBI-BUDD PRESSWERK G. M. B. H. ET AL.

In re: Interests of Ambi-Budd Presswerk G. m. b. H. in an agreement between the Budd International Corporation of Philadelphia, Pennsylvania, Ambi-Budd Presswerk G. m. b. H. of Berlin-Johannisthal and the Societe des Automobiles Peugeot of Paris, France, dated November 23, 1934.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ambi-Budd Presswerk G. m. b. H. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All interests and rights created in Ambi-Budd Presswerk G. m. b. H. by virtue of an agreement dated November 23, 1934 (including all modifications thereof and supplements thereto, if any) by and between Budd International Corporation, Ambi-Budd Presswerk G. m. b. H. and Societe des Automobiles Peugeot, and any and all rights to demand, enforce and collect any and all obligations due said Ambi-Budd Presswerk G. m. b. H. under and by virtue of said agreement,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evi-

dence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 4, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2013; Filed, Mar. 4, 1947;
8:47 a. m.]

[Vesting Order 8209]

HEINRICH SIEGEL ET AL.

In re: Interest in real property and property insurance policies owned by Heinrich Siegel, Wilhelm Siegel, Carl Siegel, also known as Carl Heinz Siegel, and Anna Liese Siegel.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Siegel, Wilhelm Siegel, Carl Siegel, also known as Carl Heinz Siegel and Anna Liese Siegel, whose last known addresses are Oldenburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half interest in real property situated in the Borough and County of Queens, City and State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of the persons named in subparagraph 1, in and to the following insurance policies, which are in the possession of John Uffelmann, 3070 Coddington Avenue, Bronx 61, New York:

Fire Insurance Policy No. C.3647, issued by the Northwestern National Insurance Company of Milwaukee, Wisconsin, in

the amount of \$3,000.00, in the name of "Estate of Anna Uffelmann, John C. Uffelmann, Executor", which policy insures the property described in Exhibit A hereof and expires January 10, 1949.

Fire Insurance Policy No. C.3535, issued by the Northwestern National Insurance Company of Milwaukee, Wisconsin, in the amount of \$6,500.00, in the name of "Estate of Anna Uffelmann, John C. Uffelmann, Executor", which policy insures the property described in Exhibit A hereof and expires November 1, 1948.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

All that certain lot or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Fourth Ward of the Borough and County of Queens, City and State of New York, bounded and described as follows:

Beginning at a point on the westerly side of 109th Street, distant 111 feet northerly from the corner formed by the intersection of the westerly side of 109th Street with the northerly side of Roanoke Avenue; running thence westerly and parallel with Roanoke Avenue, one hundred and nine one-hundredths (100.09) feet; thence northerly and parallel with 109th Street, twenty (20) feet; thence easterly and again parallel with Roanoke Avenue and part of the distance through a party wall, one hundred and nine one-hundredths (100.09) feet to the westerly side of 109th Street and thence southerly along the westerly 109th Street, twenty (20) feet to the point or place of Beginning.

Together with an easement and right of way for the uses and purposes of a private driveway, as well as for the purposes of light and air over the northerly three and fifty one-hundredths (3.50) feet of the premises adjoining the premises above described on the south to a depth of eighty (80) feet and this easement and right of way shall enture to the benefit of any owner in fee of the premises above described.

Subject, however, to an easement and right of way for the uses and purposes of a private driveway, as well as for the purposes of light and air, in favor of any owner in fee of the premises adjoining the premises above described on the south over the southerly three and fifty one-hundredths (3.50) feet of the premises above described to a depth of eighty (80) feet.

Said premises being known as and by the street No. 104-66 109th Street, Richmond Hill.

[F. R. Doc. 47-2014; Filed, Mar. 4, 1947;
8:47 a. m.]

[Vesting Order 8241]

LEVI ADLER

In re: T/W of Levi Adler, deceased. File D-28-1241; E. T. sec. 10318.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Siegfried Kugelmann, Leopold Kugelmann and Elsie Mandelstein, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children of Leopold Kugelmann, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under Item Sixth of the will and codicil of Levi Adler, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the above-named persons and the children of Leopold Kugelmann, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2015; Filed, Mar. 4, 1947;
8:47 a. m.]

[Vesting Order 8243]

GEORGE BOSENBERG

In re: Estate of George Bosenberg, deceased. File D-28-10499; E. T. sec. 14927.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Meyer and Henry Bosenberg, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs-at-law, next of kin, distributees, legatees and personal representatives, names unknown, of Marie Meyer, and the heirs-at-law, next of kin, legatees, distributees and personal representatives, names unknown, of Henry Bosenberg, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of George Bosenberg, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John C. von Glahn, as executor, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That to the extent that the above-named persons and the heirs-at-law, next of kin, legatees, distributees and personal representatives, names unknown, of Marie Meyer, and the heirs-at-law, next of kin, legatees, distributees and personal representatives, names unknown, of Henry Bosenberg, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

No. 45-4

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2016; Filed, Mar. 4, 1947;
8:48 a. m.]

[Vesting Order 8245]

RICHARD EHLERS

In re: Estate of Richard Ehlers, deceased. File D-28-11136; E. T. sec. 15541.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Hillenstedt, Ernst Hillenstedt, Alma Hasselbrink (geb. Hillenstedt), Grete Kroger (geb. Hillenstedt) and Dora Hillenstedt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Richard Ehlers, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Anna Dippe, as Administratrix, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of King;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2017; Filed, Mar. 4, 1947;
8:48 a. m.]

[Vesting Order 8247]

INGWER E. FRIEDRICHSEN

In re: Estate of Ingwer E. Friedrichsen, deceased. File D-28-10769; F-28-23665-E-1; E. T. sec. 15202.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ingeborg Friedrichsen Bolz, Johannes Friedrichsen, Bernhard Friedrichsen, Marie Lahe, also known as Marie Friedrichsen, Dorathea Schneid and Irma Baierlein, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Ingwer E. Friedrichsen, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Martin Friedrichsen, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2018; Filed, Mar. 4, 1947;
8:48 a. m.]

[Vesting Order 8248]

EUGENIA L. V. GEISENHEIMER

In re: Estate of Eugenia L. V. Geisenheimer, deceased. File No. 017-21018.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Madeleine Weidenmueller in and to the Estate of Eugenia L. V. Geisenheimer, deceased, is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Madeleine Weidenmueller, Germany.

That such property is in the process of administration by William Bianchi as Executor of the Estate of Eugenia L. V. Geisenheimer, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2019; Filed, Mar. 4, 1947;
8:48 a. m.]

[Vesting Order 8255]

HELENE METKA

In re: Mortgage Participation Certificate No. 81,787 in Series No. 206,570 issued to Helene Metka by Title Guaranty and Trust Company. File No. F-28-7222; E. T. sec. 4229.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All rights and interests evidenced by Mortgage Participation Certificate No. 81,787, originally issued by Title Guaranty and Trust Company and guaranteed by Bond and Mortgage Guaranty Company under mortgage No. 206,570, and the right to the transfer and possession of any and all instruments evidencing such rights and interests,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Helene Metka, Germany.

That such property is in the process of administration by Felix A. Muldoon, Karl Propper & John K. Wallace, acting as Trustees under a Declaration of Trust, dated April 27, 1937, under the judicial supervision of the Supreme Court, Bronx County, New York;

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2020; Filed, Mar. 4, 1947;
8:48 a. m.]

[Vesting Order 8263]

CHARLOTTE BADENHOOP AND ALWINE SCHNEEMANN

In re: Debts owing to Charlotte Badenhop and Alwine Schneemann. F-28-8354-A-1, F-28-8355-A-1, F-28-25967-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Badenhop and Alwine Schneemann whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Charlotte Badenhop by Pacific States Savings and Loan Company and/or the Building and Loan Commissioner, 745 Market Street, San Francisco, California, evidenced by one Pass Book Investment Certificate issued by the Pacific States Savings and Loan Company, bearing the number PB 37432, and registered in the name of Charlotte Badenhop, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all accruals thereto,

b. That certain debt or other obligation owing to Alwine Schneemann by Pacific States Savings and Loan Company and/or the Building and Loan Commissioner, 745 Market Street, San Francisco, California, evidenced by one Pass Book

Investment Certificate issued by the Pacific States Savings and Loan Company, bearing the number PB 37431, and registered in the name of Alwine Schneemann, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all accruals thereto, and

c. Those certain debts or other obligations owing to Charlotte Badenhop and Alwine Schneemann by the Pacific States Savings and Loan Company and/or the Building Commissioner, 745 Market Street, San Francisco, California, evidenced by three Full Paid Investment Certificates issued by the Pacific States Savings and Loan Company, bearing the numbers FP-10117, FP-13772, and FP-13773, and registered in the name of Oscar Snowman, deceased, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2021; Filed, Mar. 4, 1947;
8:48 a. m.]

[Vesting Order 8264]

BODEN & HAAC

In re: Debts owing to Boden & Haac, F-28-9313-C-1, F-28-9313-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Boden & Haac, the last known address of which is Bremen, Germany, is a corporation, partnership, association or other business organization, organized

under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: a. That certain debt or other obligation owing to Boden & Haac, by J. Kahn & Co., Inc., 1203 Cotton Exchange Building, Dallas, Texas, in the amount of \$154.65, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Boden & Haac, by Esteve Brothers & Co., Inc., P. O. Box 2129, Dallas, Texas, arising out of loss in weight claims and quality allowances on cotton shipments prior to June 14, 1941, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-2022; Filed, Mar. 4, 1947;
8:48 a. m.]

[Vesting Order 8265]

EXPORTKREDITBANK A. G.

In re: Bank accounts owned by Exportkreditbank A. G. F-28-180-E-10, F-28-180-E-12, F-28-180-E-13, F-28-180-E-16, F-28-180-E-18.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Exportkreditbank A. G., whose last known address is Kanonierstrasse

17-20, Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Exportkreditbank A. G., by The Marine Trust Company of Buffalo, Buffalo, New York, arising out of a demand checking account, entitled Export Kreditbank A. G., and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Exportkreditbank A. G., by The First National Bank of Boston, 67 Milk Street, Boston, Massachusetts, arising out of a checking account entitled Exportkreditbank Aktiengesellschaft, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Exportkreditbank A. G., by The National Shawmut Bank of Boston, 40 Water Street, Boston 6, Massachusetts, arising out of a dollar deposit account entitled Exportkreditbank A. G., and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Exportkreditbank A. G., by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a bank account entitled Exportkreditbank A. G., Berlin, and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation owing to Exportkreditbank A. G., by Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, arising out of a banking account, entitled Exportkreditbank Aktiengesellschaft, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-2023; Filed, Mar. 4, 1947;
8:48 a. m.]

[Vesting Order 8266]

TSURUNOSUKE HONDA

In re: Claim owned by Tsurunosuke Honda. F-39-5779-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsurunosuke Honda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tsurunosuke Honda, by Pacific Bank, P. O. Box 1200, Honolulu, T. H., in the amount of \$132.50, as of December 31, 1945, evidenced by a time certificate of deposit, and identified by Receiver's Liability No. 1861, entitled Tsurunosuke Honda, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan).

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-2024; Filed, Mar. 4, 1947;
8:48 a. m.]

[Vesting Order 8267]

S. KAJITA

In re: Debt owing to S. Kajita. F-39-5226-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. Kajita, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to S. Kajita, by Apple Growers Association, Hood River, Oregon, in the amount of \$1,126.26, as of December 31, 1945, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2025; Filed, Mar. 4, 1947; 8:48 a. m.]

[Vesting Order 8269]

LINA SCHAEFER

In re: Bank account owned by Lina Schaefer. F-28-17770-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Schaefer, whose last known address is Waldeck, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of United States Trust Company, 30 Court Street, Boston 1, Massachusetts, arising out of a Savings Account, Account Number 26763, entitled Joseph Kruger, atty. for Lina Schaefer maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lina Schaefer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2026; Filed, Mar. 4, 1947; 8:48 a. m.]

[Vesting Order 8332]

HERMAN MARTENS ET AL.

In re: Bond and mortgage owned by Herman Martens, Anna Martens and Anna Brunjes.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Martens, Anna Martens and Anna Brunjes, whose last known addresses are Ebersdorf, Amt Bremerhorde, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: A mortgage executed on February 10, 1913, by Nachman Firestone and Clara Firestone, his wife, to Lawyers Title Insurance and Trust Company, and recorded on February 11, 1913, in the Office of the Register of the County of Kings, State of New York, in Liber 3831 of Mortgages at page 492, and thereafter assigned through mesne assignments by Thomas E. Rogers, Executor of the Estate of Peter Martens, also known as Peters Martens, deceased, to Herman Martens,

Anna Martens and Anna Brunjes, by assignment dated August 1, 1938, and recorded on November 10, 1938, in the Office of the Register of the County of Kings, State of New York, in Liber 8305 of Mortgages at Page 424, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2027; Filed, Mar. 4, 1947; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2666]

UNITED AIR LINES, INC.

NOTICE OF HEARING

In re notice of intention of United Air Lines, Inc., to engage in air transportation to and from Twin Falls, Idaho, an intermediate point on Route No. 1 through the use of the Gooding Municipal Airport, filed with the Board by United Air Lines, Inc., pursuant to §§ 238.3 and 238.5 of the Economic Regulations of the Board. The Board (14 CFR, Supps., 238.3 and 238.5) pursuant to said §§ 238.3 and 238.5, served upon United an order to appear at a public hearing to show cause why the use of the Gooding Municipal Airport for the purpose of serving Twin Falls, Idaho, should not be disapproved. (Order Serial No. E-123, dated Nov. 21, 1946.)

Notice is hereby given that the said public hearing be and it is hereby assigned to be held on March 5, 1947, at 10 a. m. (eastern standard time) in the Foyer of the Auditorium, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. A. Law, Jr.

Without limiting the scope of the issues presented by said proceeding, particular attention will be directed to the following matters and questions:

Whether service to Twin Falls, Idaho, through the use of the Gooding Municipal Airport, resulting in service to Gooding by United, would adversely effect the public interest?

Notice is further given that any person, other than parties and interveners of record as of February 28, 1947, desiring to be heard in this proceeding file with the Board on or before March 5, 1947, a statement setting forth the issues of fact or law he desires to controvert.

Dated at Washington, D. C., February 28, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-2038; Filed, Mar. 4, 1947;
8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-819]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF FINDINGS AND ORDER ISSUING
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY

FEBRUARY 28, 1947.

Notice is hereby given that, on February 27, 1947, the Federal Power Commission issued its findings and order entered February 25, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1983; Filed, Mar. 4, 1947;
8:56 a. m.]

[Docket No. G-835]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF FINDINGS AND ORDER ISSUING
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY

FEBRUARY 28, 1947.

Notice is hereby given that, on February 27, 1947, the Federal Power Commission issued its findings and order entered February 25, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1984; Filed, Mar. 4, 1947;
8:56 a. m.]

[Docket No. G-811]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY

FEBRUARY 28, 1947.

Notice is hereby given that, on February 27, 1947, the Federal Power Commission issued its findings and order entered February 25, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1985; Filed, Mar. 4, 1947;
8:57 a. m.]

[Docket No. G-821]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY

FEBRUARY 28, 1947.

Notice is hereby given that, on February 27, 1947, the Federal Power Commission issued its findings and order entered February 25, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1986; Filed, Mar. 4, 1947;
8:57 a. m.]

[Docket No. G-829]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY

FEBRUARY 28, 1947.

Notice is hereby given that, on February 27, 1947, the Federal Power Commission issued its findings and order entered February 25, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1987; Filed, Mar. 4, 1947;
8:57 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 132]

RECONSIGNMENT OF APPLES AT ST. PAUL,
MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Paul, Minnesota, February 26, 1947, by C. M. Kopp Company, of car WFE 61117, apples, now on the Great Northern Ry.,

to Furr Food Stores, Inc., Amarillo, Texas (CRI&P).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1979; Filed, Mar. 4, 1947;
8:56 a. m.]

[S. O. 396, Special Permit 133]

RECONSIGNMENT OF TOMATOES AT CHICAGO,
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, February 26, 1947, by Gust Relias, of car PFE 64709, tomatoes, now on the Chicago Produce Terminal (CRI&P), to Strazulla Brothers, Cleveland, Ohio (NKP).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1980; Filed, Mar. 4, 1947;
8:56 a. m.]

[S. O. 396, Special Permit 134]

RECONSIGNMENT OF POTATOES AT NORTH
PLATTE, NEBR.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies

to the reconsignment at North Platte, Nebr., February 26, 1947, by National Produce Co., of car PFE 45265, potatoes, now on the Union Pacific RR., to National Produce Co., Chicago, Ill. (U.P.-C.B.&Q.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1981; Filed, Mar. 4, 1947;
8:56 a. m.]

[S. O. 396, Special Permit 135]

RECONSIGNMENT OF CAULIFLOWER AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., February 26, 1947, by Simon Siegel Co., of car BREX 75693, cauliflower, now on the Chicago Produce Terminal, to Simon Siegel Co., Philadelphia, Pa. (P. R. R.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of February 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1982; Filed, Mar. 4, 1947;
8:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1312]

STANDARD GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER EXTENDING TIME FOR
SALE OF SHARES OF COMMON STOCK

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 26th day of February 1947.

The Commission on December 12, 1946, having issued its order (Holding Company Act Release No. 7061) in the above matter permitting to become effective pursuant to Rule U-23, an amended declaration regarding the proposed sale pursuant to Rule U-50 by Standard Gas and Electric Company of 140,614 shares of common stock of Mountain States Power Company, without par value, owned by Standard Gas and Electric Company, which declaration contemplated that such sale would be consummated within 60 days from the effective date thereof, or on or prior to February 10, 1947, as required by Rule U-24;

Standard Gas and Electric Company having requested that the Commission issue a supplemental order extending for a period of an additional 30 days the time within which such sale may be made pursuant to such amended declaration:

A hearing having been held on February 18, 1947, with respect to said matter pursuant to an order dated February 11, 1947, issued by the Commission directing declarant to show cause why such extension should be granted; and declarant having represented that it proposes to receive bids for the purchase of said stock on March 10, 1947, and to deliver said stock to the successful bidder or bidders on March 17, 1947; and having requested that such extension of time be granted to March 18, 1947 within which to consummate said sale; and

The Commission having considered the record and deeming it appropriate and in the public interest and in the interest of investors and consumers that an extension of time to March 18, 1947, within which to sell said stock, should be granted;

It is hereby ordered, That the time within which the proposed sale by Standard Gas and Electric Company of the 140,614 shares of common stock of Mountain States Power Company, without par value, owned by Standard Gas, pursuant to the provisions of the order of the Commission dated December 12, 1946, be and the same is hereby extended to March 18, 1947, subject to all the terms and conditions prescribed by said order of the Commission dated December 12, 1946.

By the Commission.

[SEAL] ORVAL L. DU BOIS,
Secretary.

[F. R. Doc. 47-1976; Filed, Mar. 4, 1947;
8:56 a. m.]

[File No. 70-1468]

DETROIT EDISON CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of February 1947.

Notice is hereby given that The Detroit Edison Company ("Detroit Edison"), a public-utility subsidiary of The United Light and Railways Company, a registered holding company, has filed a declaration

pursuant to the Public Utility Holding Company Act of 1935 regarding the issuance to its common stockholders of a common stock dividend of ten (10) percent upon its presently outstanding common stock. Declarant designates sections 6 (a) and 7 of the act as being applicable to the proposed transaction.

All interested persons are referred to said declaration which is on file in the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

Detroit Edison proposes to issue 636,130 shares of its presently authorized but unissued common stock, having a par value of \$20 per share, as soon as practicable and to distribute such stock to its common stockholders in the ratio of one share for each ten shares held. Where the amount of stock issuable for such dividend would be less than one full share, the declarant proposes to issue scrip certificates in lieu thereof, such scrip certificates to be exchangeable for full shares during a period of two (2) years from a date thirty (30) days subsequent to the record date of the stock dividend. At the expiration of such period, the declarant will sell the number of shares of its common stock equal to the amount of scrip certificates then outstanding and thereafter for an additional period of four (4) years, the declarant will pay to each bearer of scrip certificates, upon surrender thereof, his proportion of the net proceeds of such sale.

The declarant proposes to transfer from its earned surplus account to its capital stock account an amount of \$12,722,600, representing the par value of the shares to be issued. As of December 31, 1946, this entry would have had the effect of reducing declarant's earned surplus from \$32,223,898.95 to \$19,501,298.95.

The purpose of the transaction is stated to be a permanent capitalization of a portion of the earned surplus of the declarant heretofore permanently invested in its business. The Michigan Public Service Commission, the state commission of the State in which Detroit Edison is doing business, has issued an order permitting the proposed stock issuance.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to the matters set forth in said declaration and that said declaration should not be permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said declaration pursuant to the applicable provisions of the act and the rules and regulations thereunder be held on March 12, 1947 at 10:00 a. m., e. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before March 10, 1947 a written request relative thereto as provided by Rule XVII of the commission's rules of practice.

It is further ordered, That Allen MacCullen or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed common stock dividend meets the applicable standards of sections 7 and 12 (c) of the act.

2. Whether the terms and conditions of the proposed common stock issue are detrimental to the public interest or the interest of investors or consumers.

3. Whether the terms and conditions of the proposed issuance of scrip are fair and reasonable and in the public interest and in the interest of investors and consumers, and whether the proposed exchange offer and payment for scrip meet the applicable standards of section 12 (c) of the act.

4. Whether the fees and expenses to be paid in connection with the proposed transaction are for necessary services and are reasonable in amount.

5. Whether the proposed accounting treatment of the transaction is proper and in conformity with sound accounting principles.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve by registered mail a copy of this order on the declarant, The United Light and Railways Company, the Michigan Public Service Commission and the City of Detroit; and that notice of said hearing be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-1973; Filed, Mar. 4, 1947;
8:55 a. m.]

[File No. 70-1420]

NORTH AMERICAN CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of February 1947.

The North American Company, a registered holding company, having filed a declaration and application, and amendments thereto, pursuant to sections 12

(c) and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-44 and U-50 promulgated thereunder with respect to the sale of its holdings of 41,000 shares of the capital stock of The St. Louis County Gas Company (being all of such stock issued and outstanding) to Laclede Gas Light Company, a non-affiliate, for a cash consideration of \$11,250,000, subject to certain adjustments, and the use of the entire proceeds of this sale for the prepayment, without premium, of a portion of The North American Company's Bank Loan Notes of Series G presently outstanding in the principal amount of \$26,375,000, in accordance with the terms of such Notes and for the consideration specifically designated therein; and

The North American Company having requested that the sale of the aforesaid shares of capital stock be exempt from the competitive bidding requirements of Rule U-50, and that said declaration and application be permitted to become effective and granted forthwith; and

The North American Company having requested that this Commission find that the sale of the 41,000 shares of capital stock of The St. Louis County Gas Company is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and make the specifications and itemizations necessary in order that the provisions of Supplement R of Chapter I and section 1808 (f) of Chapter II of the Internal Revenue Code, as amended, shall be applicable; and

A public hearing having been held upon such matters after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said declaration of The North American Company, as amended, be, and the same is hereby, permitted to become effective forthwith, and that the request for exemption for the sale of 41,000 shares of capital stock of The St. Louis County Gas Company from the competitive bidding requirements of Rule U-50 be, and the same is hereby, granted, subject, however, to compliance with the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act.

It is further ordered, And the Commission finds that the proposed sale and transfer by The North American Company of the 41,000 shares of capital stock of The St. Louis County Gas Company (represented by certificates numbers 15, 16, 21, 35, 44, 47, 49, 50, 65, A-10, A-11, A-12, A-13, A-16, A-17, A-18, A-20 and A-21) authorized and permitted by this order is in accordance with and in obedience to the order of this Commission dated April 7, 1945, and that said proposed sale by The North American Company is necessary or appropriate to effectuate the provisions of section 11(b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-1974; Filed, Mar. 4, 1947;
8:55 a. m.]

[File No. 70-1442]

FLORIDA POWER & LIGHT CO. AND AMERICAN POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of February A. D. 1947.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and American's electric utility subsidiary, Florida Power & Light Company ("Florida") having filed a joint declaration and amendment thereto pursuant to sections 6 (a) (2), 7 and 12 (c) of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Florida proposes to amend its charter in the following respects; (a) to change its presently outstanding 2,500,000 shares of common stock without nominal or par value, all of which are owned by American, to 2,000,000 shares of common stock without nominal or par value, but without any change in the aggregate stated value, said 2,000,000 shares to be issued to American in exchange for its presently held shares of Florida; (b) to increase its authorized capital stock to 20,000,000 shares without nominal or par value; (c) to provide for preemptive rights to stockholders with respect to any offering of common stock, or security convertible into common stock, for money, other than with respect to a public offering of such shares; (d) to provide that the consideration received by the company from the issuance and sale of any additional shares of common stock without par value, shall be entered in the capital stock account; (e) to provide for cumulative voting for the holders of shares of common stock; (f) to delete all references to preferred stock in the present charter; (g) to increase the number of directors from 5 to 9; (h) to provide that certificates of stock of the corporation may be signed by certain designated officers.

The declaration having been filed on January 24, 1947, the amendment thereto having been filed on February 7, 1947, notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration, as amended, that the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, and deeming it appropriate to grant the request of declarant that the order become effective at the earliest practicable date;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1975; Filed, Mar. 4, 1947;
8:55 a. m.]

[File Nos. 54-75, 70-726]

COMMONWEALTH AND SOUTHERN CORP.
(DEL.)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of February 1947.

Notice is hereby given that a declaration-application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company. Applicant designates sections 11 and 12 (c) of the act and Rule U-46 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 10, 1947 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be given on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration-application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration-application as filed or as amended, may be permitted to become effective or may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pa.

All interested persons are referred to said declaration-application, which is on

file in the office of the Commission, for a statement of the transaction therein proposed which is summarized below:

Commonwealth proposes, subject to the approval of the Commission, to pay a dividend of \$3 per share or an aggregate of \$4,323,741 on the outstanding shares of its preferred stock. The dividend was declared on February 21, 1947 and is payable on the 28th day after the date of the order of this Commission permitting such payment of such dividend to stockholders of record at the close of business on the 14th day after the date of such order. The Commission action requested in the pending application is similar in substance to the Commission action requested in three applications approved by the Commission in 1943, four applications approved in 1944, four applications approved in 1945, and four approved in 1946, covering proposed distributions to preferred stockholders.

The applicant requests that the Commission's order be issued herein on or before March 11, 1947 and become effective forthwith so that Commonwealth may pay the proposed dividend not later than April 8, 1947.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1977; Filed, Mar. 4, 1947;
8:56 a. m.]

[File No. 70-1441]

KENTUCKY UTILITIES CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of February 1947.

Kentucky Utilities Company ("Kentucky"), a holding company and a public utility subsidiary of The Middle West Corporation, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, with respect to the following transactions:

Kentucky proposes to issue and sell to eleven specified banks its unsecured 2½% Serial Notes in various principal amounts, aggregating \$5,500,000 prin-

cipal amount, said notes to be payable in equal semi-annual installments beginning May 1, 1947 with a final payment on November 1, 1956. Each of said banks has represented that its purchase of such notes will be for investment and not for resale or distribution. Expenses in connection with the proposed issuance, to be paid by Kentucky, are estimated at \$3,000. The net proceeds, together with other funds as required, will be used to redeem all of Kentucky's outstanding 4½% sinking fund mortgage bonds, aggregating \$5,406,000 in principal amount and maturing February 1, 1955. The redemption price will be at 102% of principal amount as provided by the terms of the said sinking fund mortgage bonds.

Said application having been filed on January 20, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the Public Service Commission of Kentucky and the Railroad and Public Utilities Commission of Tennessee have each, by appropriate order, approved the issuance of securities by Kentucky, as described above; and the Commission further finding with respect to the application, as amended, that the applicable requirements of the act, particularly section 6 (b) thereof, are met, and that it is appropriate in the public interest and in the interests of investors and consumers that said application, as amended, be granted, and deeming it appropriate to grant the request of applicant that the order become effective at an early date;

It is hereby ordered, Effective forthwith, pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the said application, as amended, be, and the same hereby is, granted.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1978; Filed, Mar. 4, 1947;
8:56 a. m.]